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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 516TH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 October 1997 at 10 a.m.

Temporary Chairman: Mr. MCHUMO (United Republic of Tanzania)

Chairman: Mr. SKOGMO (Norway)

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Introductory statement by the United Nations High Commissioner
for Refugees

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Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION (agenda item 1)

1. The TEMPORARY CHAIRMAN declared open the forty-eighth session of the Executive Committee of the High Commissioner's Programme.

STATEMENT BY THE OUTGOING CHAIRMAN

2. The TEMPORARY CHAIRMAN, speaking as Chairman of the forty-seventh session, said that the Office of the High Commissioner had rarely faced such enormous and complex challenges. The scope of its work had changed almost beyond recognition in recent years. It worked in regions affected by turbulence and conflict, and faced problems having complex causes in the countries from which refugees fled and far-reaching consequences in the countries where they sought refuge. Over the last year, the Executive Committee and its Standing Committee had grappled with many dilemmas, including those faced by developing countries hosting refugees, those faced by refugees seeking asylum or repatriating to countries devastated by war and those faced by humanitarian aid workers active in the midst of conflict. Those issues would, no doubt, be among the issues of concern to the Executive Committee at the present session. He congratulated the High Commissioner on the leadership she had provided to UNHCR in responding to those challenges.

3. During his tenure as Chairman of the Executive Committee, he had been impressed by its true humanitarian spirit, its tradition of consensus and the transparency of its relations with UNHCR. Those relations would be all the more precious in the challenging year ahead, in which UNHCR faced diminishing resources and high demands and expectations. He left the office of Chairman with the hope that the humanitarian solidarity the Executive Committee manifested would be further strengthened for the benefit of refugees and the often hard-pressed countries that hosted them.

4. He expressed deep gratitude to the Executive Committee for giving him the honour to serve it, which had been both a personal honour and an expression of recognition for Tanzania's modest role in giving asylum to millions of refugees over the years. He paid a tribute to the High Commissioner and thanked the UNHCR staff and the secretariat and outgoing Bureau for their support in the past year.

ELECTION OF OFFICERS (agenda item 2)

5. Mr. FOULKES (United Kingdom of Great Britain and Northern Ireland) nominated Mr. Skogmo (Norway) for the office of Chairman.

6. Mr. BAUTISTA (Philippines), Mr. VERGNE SABOIA (Brazil) and Mr. MORJANE (Tunisia) seconded the nomination.

7. Mr. Skogmo (Norway) was elected Chairman by acclamation.

8. Mr. MONTENEGRO MALLONA (Nicaragua) nominated Mr. Rodriguez Cedeño (Venezuela) for the office of Vice-Chairman.

9. Mr. PEREZ HERNANDEZ (Spain) and Mr. AKRAM (Pakistan) seconded the nomination.
10. Mr. Rodriguez Cedeño (Venezuela) was elected Vice-Chairman by acclamation.
11. Mr. SELEBI (South Africa) nominated Mr. Irumba (Uganda) for the office of Rapporteur.
12. Mr. GARNJANA-GOONCHORN (Thailand) seconded the nomination.
13. Mr. Irumba (Uganda) was elected Rapporteur by acclamation.
14. Mr. Skogmo (Norway) took the Chair.

STATEMENT BY THE CHAIRMAN

15. The CHAIRMAN said that, although some long-standing civil wars had been settled during the past year while others were moving slowly towards peaceful solutions and democracy had taken root worldwide, over 30 civil wars and other conflicts were still in progress and there were 23 million people of concern to UNHCR, half of them refugees. Areas of concern included the Great Lakes and other regions of Africa, the Caucasus, Central Asia and the former Yugoslavia. Currently, more refugees were fleeing from civil conflicts than from traditional wars and forced displacement within countries was becoming more common. Wars, persecution and massive human rights abuses all produced refugees; however, as in the Great Lakes region, they could also make it more difficult to separate refugees from former soldiers and those guilty of genocide.
16. Those developments involved disturbing trends. Increasingly, people were fleeing not only from, but also into, situations of insecurity. Refugees and asylum seekers were often seen as a burden and a potential threat to national and regional stability and countries were growing reluctant to open their borders. The problem of diminishing respect for the fundamental principles of humanitarian protection concerned not only the High Commissioner and her Office, but also the member States of the Executive Committee, which should reaffirm their support for the core principles of global protection. The undermining of humanitarian principles entailed greater risk, not only for refugees and displaced persons, but also for international humanitarian workers and local staff, a problem to which, as Chairman, he planned to pay particular attention.
17. During the past year, there had been efforts to improve coordination between humanitarian agencies and between those agencies and the United Nations system. The Secretary-General's reform package was currently before the General Assembly and the new structures for inter-agency cooperation were not fully in place, while the impact of United Nations reform on the governing bodies of humanitarian agencies, including the Committee itself, had not yet been determined. Member States had a right to expect good coordination between United Nations agencies and he was certain that the new coordination structures, once established, would be fully implemented by those agencies. The Standing Committee would doubtless wish to be briefed on, and

to discuss, the implementation of those reforms. However, he hoped that the Executive Committee would then be able to turn to the political challenges which the High Commissioner and her staff had too often had to face alone. In cooperation with United Nations political bodies, the Committee must consider ways to provide greater political support for the Organization's conflict management efforts. The financing of humanitarian operations, particularly those associated with "forgotten" conflicts, was another source of great concern which should be addressed by the Standing Committee and donor Governments in the coming year.

18. The working methods and consensual culture of the Executive Committee and its Standing Committee, as well as the cooperation provided by the secretariat, were assets to be preserved and the Committee had found a good balance between its discussion of regional situations, administrative and housekeeping matters and thematic issues such as the situation of refugee women and children, which deserved its special attention. He planned to work closely with non-governmental organizations (NGOs), which were not only implementing partners in the field, but also advocates of the cause of refugees in the media and a source of political support at the national level. During the coming year, NGOs would be permitted to participate in the work of the Standing Committee on a trial basis and he was confident of their commitment and sense of responsibility. Lastly, he emphasized that the Executive Committee's primary task was to support and further strengthen UNHCR, which under Mrs. Ogata's leadership, was one of the best-led and best-managed of the world's intergovernmental institutions.

ADOPTION OF THE AGENDA AND OTHER ORGANIZATIONAL MATTERS (agenda item 3)
(A/AC.96/XLVIII/L.1)

19. The agenda was adopted.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (A/AC.96/887)

Introductory statement by the United Nations High Commissioner for Refugees

20. Mrs. OGATA (United Nations High Commissioner for Refugees) said that most of the previous year's trends had continued. As of January 1997, there had been 1.3 million fewer refugees than in early 1996 and she hoped that, during a period of declining emergencies, it would be possible to focus on solving long-standing refugee situations, primarily through repatriation. Economic difficulties in regions with a tradition of long-term asylum were making host countries less willing to accept refugees. While resettlement remained an option for smaller groups of refugees and in sensitive situations, repatriation was the primary solution and she welcomed the Executive Committee's decision to take that issue as its annual theme.

21. The African continent had both the largest number of refugees and the highest number of returnees. She hoped that the July 1997 elections in Liberia would facilitate the repatriation of some of that country's 500,000 refugees and commended the hospitality provided to them by West African countries, particularly Côte d'Ivoire and Guinea. As of September 1997, almost all the 300,000 refugees who had fled Togo in 1993 had returned. In Western Sahara, peace negotiations led by the Secretary-General's personal

envoy had paved the way for the return of Sahraoui refugees from Algeria and Mauritania. If the planned return of 150,000 Malian refugees by late 1997 was completed, it would be possible to concentrate on reintegration activities in that country. Nearly 65,000 refugees had returned to Ethiopia from the Sudan and, despite the uncertain political situation in Angola, 114,000 of that country's 300,000 refugees had returned spontaneously. A successful UNHCR pilot repatriation project had helped 10,000 Somalis to return home from Ethiopia and had prompted thousands of others to return spontaneously.

22. A peace agreement signed in June 1997 had led to the return of 6,600 refugees from Afghanistan to Tajikistan. However, she was concerned about the safety of 7,000 Tajik refugees, currently in Sakhi camp in northern Afghanistan, whose repatriation was blocked by nearby fighting. She called on the parties to that conflict to allow the refugees to return by the shortest route through Uzbekistan and welcomed the cooperation of the Uzbek Government in that regard. Over 20,000 internally displaced Chechens had returned home from the Russian Federation. The 100,000 refugees who had fled northern Iraq in late 1996 had returned, but the situation of the Turkish refugees of Kurdish origin remained unsolved. Military attacks on humanitarian convoys were hindering the delivery of assistance to northern Iraq. During the past year, 24,000 refugees had returned to Myanmar from Bangladesh and UNHCR was negotiating with the Government of Bangladesh to find a solution for the remaining 21,000 refugees who did not wish to return. As of the return of Hong Kong to China in June 1997, the number of Vietnamese refugees in that territory had dropped from 214,000 to fewer than 2,000. The UNHCR repatriation operation in Guatemala would probably be concluded by the end of the current year and 2,500 Guatemalan refugees were being considered for naturalization in Mexico.

23. Those successes showed that solutions to refugee problems and, in particular, voluntary repatriation, were possible. However, difficult challenges remained in other parts of the world. In Afghanistan, civil conflict and restrictions on human rights, particularly those of women, had virtually halted the repatriation of the world's single largest group of refugees from the Islamic Republic of Iran and Pakistan. Organized repatriation in Eritrea was deadlocked, threats to the security of Sudanese refugees in northern Uganda continued and there had been not only an interruption in the repatriation of refugees to Sierra Leone, but a renewed exodus of refugees from that country after its elected Government had been deposed. Political stalemate was also blocking the return from Nepal of 90,000 Bhutanese refugees. Two new refugee situations involved the flight of over 40,000 Cambodians into Thailand and that of thousands of refugees from the Republic of the Congo to the Democratic Republic of the Congo.

24. The greatest challenges had occurred in the Great Lakes region; between 1994 and 1996, UNHCR had assisted over 1.5 million Rwandans living in camps in Tanzania and the former Zaire. The primary problem was the international community's failure to separate those who deserved international protection from those who did not, ensuring the physical security of the former and preventing the latter from committing violent attacks on both nationals and refugees. Unfortunately, UNHCR efforts to prevent the conflict in that region from engulfing the Kivu provinces and refugee camps had failed. After the destruction of those camps, 600,000 Rwandans had returned home over

a period of a few days; some weeks later, virtually all the Rwandans in Tanzania had returned home and those remaining in the former Zaire had fled westwards and dispersed into the forests. A UNHCR request for an international military force to assist in rescuing refugees had not been met and, although rescue operations conducted, often in conflict zones, by UNHCR in cooperation with other United Nations agencies, the International Committee of the Red Cross (ICRC) and NGOs had allowed another 250,000 Rwandans to return, dozens of others had died in the forests of hunger, exhaustion and disease or at the hands of the military. Surviving Rwandans were scattered in 11 central African countries, including the Republic of the Congo, where fighting made rescue operations increasingly difficult.

25. The 2 million Rwandans who had returned home since 1994 must be reintegrated into the country if peace was to be restored. Activities in that regard included a memorandum of understanding between UNHCR and the United Nations Development Programme (UNDP), the establishment of a joint unit between those organizations and the Rwandan Government and environmental and other programmes in areas of Tanzania and the Democratic Republic of the Congo where refugee camps had been located.

26. In Burundi, where there had been little progress towards peace, UNHCR had not promoted repatriation, but had assisted the spontaneous return of refugees, in many cases from the Democratic Republic of the Congo. The Government of Tanzania and UNHCR had recently conducted a joint mission to assess the implications of the presence of the Tanzanian refugee camps, which currently housed 230,000 Burundians, for the security and stability of the area. That mission had recommended that law and order in the camps should be improved in order to avoid events such as those which had occurred in the former Zaire in 1996. A few weeks previously, UNHCR had begun cooperating with the Governments of the Democratic Republic of the Congo and Tanzania in the process of repatriating over 70,000 Congolese refugees by boat across Lake Tanganyika.

27. The repatriation process had confronted UNHCR with excruciating dilemmas such as the choice between repatriating Rwandans to unsafe areas in the rest of that country and leaving them to almost certain death in the forests. There had been military attacks on refugee sites and refugees were being subjected to gross human rights abuses and violence. Moreover, UNHCR access to refugees was frequently limited or denied and its proposals to identify and protect those with valid reasons for not returning and to exclude those who did not qualify for international protection had been implemented only in Malawi and the Central African Republic, where eligibility had been determined by the Governments of those countries. It had become increasingly difficult, if not impossible to monitor refugees in the region and several humanitarian workers had been killed. The violation of human rights and humanitarian principles had become a pattern in the Great Lakes region, as shown by the expulsion of Rwandan asylum-seekers from the Goma area a few days previously. While UNHCR was concerned by that trend, which had compelled it to suspend its activities on behalf of Rwandan refugees in the Democratic Republic of the Congo, it was also aware that armed groups and political extremists operating from within large refugee populations contributed to the instability of the region.

28. Those developments did not imply a need to revise basic principles. The rights of refugees to asylum and non-refoulement were the foundation of the UNHCR mandate and UNHCR's commitment to defend and promote them was non-negotiable. However, those principles must be implemented in constructive, realistic and creative ways that took account of the legitimate concerns of States. The balance between principles and interests was a complex one, especially in situations of mass displacement across lines of conflict, but there were lessons to be learned.

29. Some of the current problems could have been avoided if States had fulfilled their responsibilities, as the Executive Committee had urged them to do. Refugee camps should have been located well away from border areas, armed elements and political extremists should not have been allowed to live with and control refugees and those guilty of crimes against humanity should have been brought to justice. Repeated UNHCR proposals in that regard had been ignored and it was that fact, rather than a failure in the underlying principles, which had led to further insecurity and conflict. If the apparent contradictions between humanitarian principles and State interests were not resolved, countless innocent people would suffer. She therefore proposed a cooperative effort between UNHCR and States, regional organizations and, in particular, the Organization of African Unity (OAU). Her Office was willing to discuss with Governments practical measures for facilitating respect for humanitarian principles while taking account of their concerns and hoped that States, in turn, would make concrete proposals in that regard and, above all, that they would reaffirm their commitment to those principles.

30. Although the crisis in the application of fundamental principles had recently manifested itself most visibly in the Great Lakes region, it was not limited to any particular area and she was seriously concerned about the increasingly restrictive trend in asylum policies in many Western countries. While recognizing that it was sometimes difficult to distinguish between refugees and economic migrants, she stressed the need to preserve the distinction and assured States of the Office's willingness to cooperate in doing so, within agreed parameters. In that connection, she noted that, in many Western countries, the concept of temporary protection had been successfully applied to refugees from Bosnia and Herzegovina. The distinction made in Bosnia and Herzegovina between "majority areas" and "minority areas" had shown the usefulness of the concept of temporary protection as a flexible tool for applying humanitarian principles, with due consideration for the legitimate concerns of States. She also welcomed the initiative taken by the European Commission for the adoption of common standards on temporary protection in Europe.

31. During the past year, the Office had grappled with the need to develop a comprehensive approach to the transition from war to peace as part of the United Nations system-wide search for a strategy known as post-conflict peace building, within which UNHCR's role was to ensure the return and reintegration of uprooted populations.

32. As a result of the efforts it had made in recent years to reinforce its emergency preparedness and response capacity, UNHCR had also acquired expertise and the ability to deal with both organized and massive spontaneous returns. Repatriation was, however, not just a logistical operation; it had

to be integrated into a wider process that included the restoration of basic human rights and the judicial system, which would greatly benefit from enhanced cooperation with the United Nations High Commissioner for Human Rights. Reintegration required a comprehensive package of approaches ranging from physical reconstruction to political, social, educational, psychological and protection measures. In some situations, it also included the clearance of landmines and she took the opportunity to welcome the award of the 1997 Nobel Peace Prize to the International Campaign to Ban Landmines.

33. The situation in Bosnia and Herzegovina exemplified the variety of challenges UNHCR had been tackling to make repatriation successful and sustainable. Since the signature of the Dayton Agreement, close to 183,000 refugees were estimated to have returned to Bosnia and Herzegovina, and that had helped to reduce the problem of displacement caused by the war. However, the prevailing pattern of return had been to the so-called majority areas, where the main challenge had been to accelerate physical reconstruction. Efforts to encourage returns to minority areas had involved a package of initiatives, including inter-Entity bus lines, the designation of "Open Cities" to encourage grass-root acceptance of minority returns and "Twin City" arrangements calling on the solidarity of host communities in countries of asylum. In addition, more positive measures had recently been announced by the Government of Croatia to favour return and reconciliation among all Croats.

34. However, several conditions had to be met if minority returns were to occur. Physical safety had to be ensured and the Stabilization Force (SFOR), whose security umbrella would be required beyond the current deadline of June 1998, and the International Police Task Force (IPTF) had an essential role to play in that regard; authorities and political parties would have to respect the voice of the legitimate electorate; the right to housing and other social amenities would have to be guaranteed and the problem of unemployment addressed. Although UNHCR's efforts in those areas could be only modest and complementary, they provided a useful indication of the direction in which it should move in order to promote the necessary transition from return to reintegration.

35. In Rwanda and Bosnia, the two societies where the wounds of conflict and hatred were deepest, UNHCR had expanded its special initiatives for women refugees because of its conviction that supporting women's self-sufficiency and developing their role in society was the key to promoting tolerance and overcoming community divisions. In Georgia and Ukraine, UNHCR had helped to rebuild destroyed houses and rehabilitate the social infrastructure and was assisting the authorities to deal with questions of citizenship in order to avert a potential statelessness situation.

36. The scope and complexity of a comprehensive approach to the reintegration of returnees required closer cooperation with a wide range of partners and, in particular, with UNHCR's multilateral partners and development-oriented NGOs, which would build on activities initiated by UNHCR. When disengaging from reintegration activities, her Office had to take account of the specific requirements of each situation. She committed it to a better understanding of its multilateral partners in order to develop common approaches and ensure the orderly and timely phasing out of humanitarian

assistance. Traditional cooperation with other United Nations agencies, such as the World Food Programme and the United Nations Children's Fund, had been supplemented by close operational cooperation at the country level with the United Nations Development Programme, the World Bank, the International Fund for Agricultural Development and, since July 1997, the International Monetary Fund.

37. The most difficult and challenging task, which ultimately completed any repatriation, was the achievement of reconciliation. As the successive crises in Rwanda and Burundi had shown for the past 35 years, in the absence of reconciliation, returnees would remain in divided communities in which conflict could again erupt. In addition to supporting activities to foster reconciliation, UNHCR should help to mainstream them. Efforts towards inter-communal dialogue were not abstract goals. Concrete examples could be found in the women's initiatives already referred to, in the joint child and adolescent initiative in Liberia, which would bring former child combatants back to normal life, in the "Open Cities" initiative in Bosnia and in the restoration and strengthening of the judicial system in Rwanda.

38. UNHCR would also continue to cooperate with inter-governmental and regional bodies such as the Organization for Security and Cooperation in Europe, the Southern African Development Community and the Inter-Governmental Authority on Drought and Desertification in the Horn of Africa, in order to promote reconciliation by establishing legal and administrative frameworks to manage refugee and returnee flows.

39. Despite funding constraints, UNHCR was committed to the process of the follow-up to the CIS Conference, through which considerable progress had been made in developing legal structures to address refugee flows and building awareness of population displacement in the region. Steps had also been taken to establish a forum for regional consultations on the problems of refugees and displaced persons in Central Asia, South West Asia and the Middle East, the first of which had taken place in March 1997 in Amman, Jordan.

40. She concluded her remarks on repatriation and reintegration challenges by referring to UNHCR's cooperation with the European Union, with which it consulted regularly to build and strengthen its partnership in standard setting, policy making and operational cooperation.

41. Human resources were the mainstay of UNHCR's mission and operations. In September 1997, UNHCR had launched the Career Management System to optimize the utilization of staff resources while simultaneously enhancing the Office's support for career planning, individual objective setting and performance evaluation.

42. The introduction of the Career Management System was closely linked to the two-year-old Change Management Exercise, which continued to be one of her priorities. In addition to a number of changes in the areas of new technologies and human resources, she had appointed a Director for Change who was responsible for ensuring that all actions grouped under Project Delphi were prioritized and well coordinated. UNHCR's staff also had to be mobilized to increase ownership of the process and conclude the current phase of the Change Management Exercise.

43. With regard to financial resources, she expressed her gratitude for the support given by donor Governments to most of the special operations in which the Office was involved, including in the Great Lakes region and the former Yugoslavia. However, increased financial support also had to be provided to other, less visible special programmes, in particular in Angola, Liberia and Tajikistan. Support had to be given for core activities covered by the General Programme, which was still seriously underfunded in 1997, with a shortfall of approximately \$50 million. She also called for greater efforts to support the General Programme in 1998 adequately and in a timely way. She was pleased to report that the decline in the number of large-scale emergencies and the trend towards solutions would entail a substantial decrease in UNHCR's overall budget, which, for the first time since 1991, was likely to be lower than \$1 billion in 1998. However, she emphasized that repatriation was resource-intensive, particularly in staff terms, and welcomed the proposal that UNHCR should reconsider how it classified its staff costs in order to ensure that those essential to the discharge of its mandate were properly recognized.

44. She expressed her deep concern for the safety and security of staff working in conflict areas, where both national and international staff were exposed not only to the stress of working in dangerous situations, but to the threats arising out of actual conflict. There had been casualties and she took the opportunity to pay tribute to all staff members of UNHCR and other agencies, especially the International Committee of the Red Cross and NGOs, who had lost their lives or suffered in the service of refugees and displaced persons. National staff were particularly vulnerable and would remain so for as long as unarmed civilian aid workers worked alone in the forefront of humanitarian disasters. UNHCR had conducted in-depth reviews of staff safety issues and she called on Governments to show understanding and increased support in view of the resource implications of improving security measures.

45. UNHCR had been closely involved in the debate led by the Secretary-General on the United Nations reform process. She hoped that the transformation of the Department of Humanitarian Affairs into a more streamlined, focused and efficient Office of the Emergency Relief Coordinator would become effective as soon as possible. She renewed her own personal commitment and that of her Office to respond in an effective, timely and creative manner to the challenges facing them.

46. Ms. OAKLEY (United States of America) expressed her Government's appreciation for the difficult and sometimes dangerous work carried out by UNHCR staff and its and her own personal esteem for the High Commissioner's continuing leadership, dedication and activism.

47. She appreciated the choice of repatriation challenges as the theme for the current session of the Executive Committee and congratulated UNHCR for producing an excellent and thought-provoking paper for discussion (A/AC.96/887). After another year in which large numbers of refugees had returned home in less than ideal situations, in both Rwanda and Bosnia, the choice of that topic was timely.

48. With more and more countries throughout the world reluctant to continue to receive and host mass influxes of refugees for long periods of time, there

was enormous pressure to repatriate refugees as quickly as possible. In the Great Lakes region, the norms of refugee protection and organized, voluntary repatriation had been severely tested and, in some instances, overturned. The plans the international community had been developing, all too slowly, had been swept away by the mass returns - 685,000 from Zaire and 500,000 from Tanzania - which had gone better than imagined owing to the efforts of UNHCR, other organizations and the Government of Rwanda, whose efforts she complimented. She was concerned, however, about the continuing tension between UNHCR and Rwanda and assured both of her Government's continued commitment to and support for their reintegration and rehabilitation programmes.

49. Unfortunately, the civil war in Zaire had pushed many refugees, often used as hostages by armed factions, further west. The lack of access to those people, the reported attacks against them and their continued refoulement were of great concern. The expulsion of Rwandans and Burundians from the transit centre in Kisangani and the more recent expulsions from Goma were the latest episodes seriously to undercut the ability of UNHCR to carry out its protection mandate in Central Africa. Those tragic events had served no one's fundamental interests. The task at hand, however, was not to assign blame for past action or inaction, but to agree on policies to move forward in pursuit of humanitarian goals.

50. Turning to the specific theme of repatriation challenges, she acknowledged that UNHCR had had to make extremely difficult choices. The High Commissioner's recent briefing to the Security Council in New York had laid out the dilemma facing UNHCR: that of helping people move from one life-threatening situation to another just slightly less dangerous. The challenges listed in the paper under review were real and might become the rule rather than the exception. Refugee-receiving countries, countries of origin and donor countries must work together to meet them.

51. While many were sceptical about the concept of "burden-sharing", her Government believed that refugees were an international responsibility. All must work together to lessen the impact of massive influxes of refugees on the countries of asylum and to provide UNHCR with political as well as financial support. UNHCR could, moreover, not be expected to do police and security work which it was neither mandated nor equipped to do.

52. UNHCR could carry out its mandate only if States fulfilled their responsibilities. Countries of asylum must uphold and support respect for humanitarian and human rights principles and assist in establishing and maintaining a firm separation between armed elements and the refugee population. Camps should be located well away from border areas to prevent them from being used by armed elements as bases for cross-border attacks or the targets of retaliatory attacks. It was in the interest of countries of asylum to allow UNHCR immediate access to refugee populations, thereby enabling it to identify and register refugees properly and to establish and organize camps rapidly.

53. Perhaps the most important question posed in the paper on repatriation challenges (A/AC.96/887) was "Under what conditions should UNHCR involve

itself in return to situations where effective national protection cannot be fully ensured ...?". The first principle and priority for both UNHCR and the international community should be to make every effort to work together with countries of asylum to ensure that respect for the principle of non-refoulement, which the United States was prepared to support, both in public and in private, in the strongest possible terms. However, when forcible return was imminent, the best course for UNHCR was to do its best to assist and protect and to make the hard choices based on each individual situation, even if its only choice was between the lesser of two evils. However, that did not mean that UNHCR should change its policy on return. The principle of voluntary repatriation as the cornerstone of the international refugee protection regime should be upheld and fought for.

54. UNHCR was playing a critical role as a catalyst for safe and dignified returns to Bosnia. For her Government, the voluntary return of refugees and displaced persons, especially minority return, was one of the highest priorities. More than 1.6 million Bosnians were still displaced and her delegation called on other donors to support UNHCR's efforts by contributing to its appeal and funding complementary programmes under the "Open Cities" initiative.

55. Her delegation was pleased to note that the paper on repatriation (A/AC.96/887) contained a section on reintegration, rehabilitation and reconstruction, which were essential to ensure that repatriation was durable. Humanitarian and development agencies, donor Governments, the World Bank, NGOs, officials of the country of origin and refugees themselves had to come together to create a plan of action that would integrate all facets in the continuum from relief to development, which should be simultaneous rather than consecutive. Activities to promote the reconstruction of economic and social services and to restore political and judicial structures were perhaps a task for which the new Emergency Relief Coordinator would be ideally suited.

56. Her Government welcomed UNHCR's efforts to systematize its relations with other organizations through memoranda of understanding. Although repatriation could happen quickly without sufficient time to plan a coordinated approach, when such an approach was possible, as had been the case in Bosnia, much could be done. Although the ultimate success of the operation in Bosnia remained to be seen, concrete efforts were being taken to restore a viable society and to bring war criminals to justice. Reintegration, rehabilitation and reconstruction were not sustainable without reconciliation. Although UNHCR had an interest in seeing that reconciliation took place, responsibility for it lay with other players, such as the United Nations Commission on Human Rights and the international tribunals, with which UNHCR could cooperate, as it had done, through the "Open Cities" initiative. In that connection, she also referred to the Bosnian Women's initiative, which her Government and others had launched with UNHCR. Women in Bosnia were determined to build a society in which they would have a role to play in making the right decisions in the future. She was particularly pleased that UNHCR had launched a similar initiative in Rwanda.

57. One opportunity that was perhaps not being made the most of was helping refugees to be better prepared for their return home and better trained and ready to participate in the reconstruction of their communities and their

country. In that respect, her delegation was pleased that UNHCR was making greater efforts to meet the needs of refugee children, whose education was an opportunity that could not be missed. The extent of UNHCR's involvement in reintegration largely depended on the early participation of other international and non-governmental organizations. Her delegation supported UNHCR's quick impact projects (QIPs), which were a source of immediate assistance to returnees.

58. In closing, she said that no one had easy answers to the questions raised in the paper on repatriation challenges (A/AC.96/887), which had to be taken up by all. She congratulated the High Commissioner and her staff on the dedicated and principled manner in which they confronted the challenges facing them and expressed her confidence that they would meet them.

The meeting rose at 12.25 a.m.



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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 517th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 October 1997, at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

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ANNUAL THEME: REPATRIATION CHALLENGES



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The meeting was called to order at 3.15 p.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/887)

1. Mr. REUTER (Observer for Luxembourg), speaking on behalf of the European Union, said that refugees should be hosted under conditions of safety and dignity and with full respect for the provisions of the 1951 Convention and its 1967 Protocol and that the Office of the United Nations High Commissioner for Refugees (UNHCR) should have full access to refugees, who, in return, must obey the laws of the host country. The task of UNHCR would be difficult, if not impossible, without the political and material support of the international community. The search for host countries depended upon those countries' capacity for the harmonious integration of refugees. Special efforts must be made to alleviate the social and economic impact of massive numbers of refugees in countries with limited resources. Governments, in cooperation with UNHCR, must play a greater role in raising public awareness in order to lessen the difficulties encountered in integrating refugees.

2. The European Union considered voluntary repatriation to be the preferred solution. However, non-voluntary repatriation might prove necessary in the case of persons not in need of international protection, whose return would do much to preserve the institution of asylum for the benefit of those who really needed it. Countries of origin were obligated to permit the return of their nationals. Action by UNHCR and the international community could facilitate the return process and promote cooperation; the principle of non-refoulement was of great importance in that regard. The European Union considered that the repatriation of persons no longer in need of international protection should, if possible, be voluntary and should be carried out under conditions of security and dignity. It was reasonable to assume that repatriation was voluntary when conditions in the country of origin were such as to facilitate safe return and rapid economic and social reintegration on the basis of reconciliation.

3. It was essential for humanitarian principles to be respected during repatriation and it was disturbing to note that, in most cases, repatriated refugees faced many difficult problems upon their return. Absent or inadequate economic, social and legal infrastructures were complicated by the scourge of anti-personnel mines and the persistence of conflicts. The impunity from which some individuals still benefited in their countries of origin must end, and the international community should support the efforts of countries of origin with regard to their domestic legal mechanisms by facilitating access to international tribunals. The European Union welcomed the progress made in drafting the statute of a permanent international criminal court. While UNHCR had a key role to play in the reintegration and protection of repatriated refugees, its presence in countries of origin should be time-limited.

4. The most serious crises of recent years had shown that UNHCR could not fulfil its mandate alone. Without the international community's commitment and the support of a comprehensive, coherent approach on the part of the United Nations system, it would not have been possible to bring an end to

armed conflict in the former Yugoslavia. Despite progress in the return of refugees to Bosnia and Herzegovina, the European Union regretted the delay in implementation of the peace agreements and the continued restrictions on freedom of movement. It encouraged UNHCR to continue its implementation of the "open cities" concept, which constituted an adequate mechanism that combined repatriation, reconstruction and reconciliation. The UNHCR shelter programme was facilitating the transition to the reconstruction phase. In Eastern Slavonia, progress in the return of refugees and displaced persons was not fully satisfactory. Under the mechanism scheduled to replace the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in 1998, UNHCR would continue to fulfil its mandate with regard to refugees and displaced persons.

5. He also noted that the dramatic situation which persisted in the Great Lakes region was partly the result of failure by the Governments of the region to respect their obligations under international humanitarian law. On several occasions, the European Union had expressed its concern about serious human rights violations in the Democratic Republic of the Congo and the forced repatriation of Rwandan refugees. However, it was ready to resume its cooperation with the Government of the Democratic Republic of the Congo gradually, provided that progress was made in the areas of human rights, democratization and the establishment of the rule of law. In that regard, it fully supported UNHCR efforts to bring about the safe return of refugees and greatly regretted the enforced partial suspension of those activities. It called on the Governments of the Democratic Republic of the Congo, Rwanda and all countries of the region to allow UNHCR and other humanitarian organizations to continue their work unhindered and urged them fully to obey international law, particularly the 1951 Convention relating to the Status of Refugees.

6. The European Union paid tribute to the staff of UNHCR and other humanitarian organizations and deplored attempts to hinder their full access to refugees and repatriated refugees in regions affected by humanitarian crises. It also condemned in the strongest possible terms interference with the activities of humanitarian workers, particularly attacks which threatened the latter's physical safety. States and parties to conflicts were required to ensure the safety of humanitarian workers and to punish appropriately all interference with their work.

7. Mr. EGELAND (Norway) said that he welcomed the decision to award the Nobel Peace Prize to Jody Williams, Coordinator of the International Campaign to Ban Landmines. No group had suffered more from the indiscriminate terror of anti-personnel mines than the world's refugees. The Norwegian Government urged all countries to sign the mine ban treaty, agreed on in Oslo in September 1997, in Ottawa. He commended UNHCR on its early and active support for a total ban on anti-personnel mines.

8. There had been a recent decrease in the number of conflicts between States; unfortunately, however, there had been a great increase in the number of conflicts within States. That change made it increasingly difficult to create conditions that would allow the repatriation of refugees and displaced persons to take place in safety and dignity. In most conflict areas, a solution to humanitarian problems could be found only through political

negotiations, but humanitarian efforts could not replace political solutions. Coordinated and coherent efforts by regional actors, the major Powers and donors could probably encourage an end to the conflicts. Unfortunately, it seemed that only short periods of relief were possible and that it was impossible to end the warlords' senseless violence once and for all.

9. Norway was pleased that a formal ceasefire agreement had been signed between the Guatemalan Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in Oslo in December 1996. That agreement had paved the way for full implementation of the Guatemalan refugee agreement signed in Norway in 1994 and for the return of generations of displaced men, women and children.

10. Too little was being spent on conflict prevention and mediation. The Secretary-General, who had few resources, was the world's most important mediator. Norway had just contributed US\$ 4 million to the Secretary-General's new fund for preventive diplomacy and urged other donors to do likewise.

11. Most refugee problems were too complex to be solved by humanitarian agencies alone. Cooperation between UNHCR, Governments and non-governmental organizations (NGOs) should be further strengthened in order for the High Commissioner's mandate to be implemented efficiently in the field. Furthermore, the unique protection mandate of UNHCR must be respected by all States. He therefore welcomed the strengthening of the High Commissioner's dialogue with Governments as part of the UNHCR supervisory function established by article 35 of the Convention.

12. Voluntary repatriation remained the preferred solution to refugee problems and the first challenge for the international community. The right of all people to return to their country must be respected and all States must meet their obligation to accept the return of their nationals. A commitment to repatriation in safety and dignity would help to ensure that asylum capacity was maintained in order to accommodate all those who might need political protection in the future. The principle of non-refoulement must be respected. The international community must share the burden of the many countries which generously agreed to accept large numbers of refugees. In that regard, Governments must take particular responsibility for refugee situations arising within their own region: a European refugee instrument would be a useful supplement to the 1951 Convention.

13. For several years, UNHCR had been expanding its efforts to promote and consolidate voluntary repatriation and prevent new displacement. His delegation welcomed that progress towards a more preventive and solution-oriented strategy. By extending assistance to refugees who had returned home and monitoring their welfare, UNHCR was helping to ensure that repatriation was a genuinely lasting solution. However, that strategy also required increased cooperation and coordination with agencies involved in long-term development.

14. In addition to facilitating return, development aid could have a reconciling and preventive effect. Most important, however, was the responsibility of the countries directly concerned. The dilemma that

confronted UNHCR was to determine whether to become involved in situations where national protection was not fully ensured. Despite international pressure, UNHCR continued to confront serious obstacles in the Great Lakes region. He urged the countries of that region to pursue the path of reconciliation and reconstruction and stressed that the terrible human rights abuses of the past could not be an excuse for failure to protect human rights in the present.

15. Norway was also concerned about the slow pace at which the humanitarian aspects of the peace agreement in Bosnia and Herzegovina were being implemented. The main responsibility lay with the many local and regional political leaders who sacrificed the interests of their people to their own short-sighted and conflict-oriented agendas. Obstacles to the return of refugees and displaced persons could not be tolerated and all indicted war criminals must be brought before the International Tribunal in the Hague.

16. Norway would continue to provide strong political and financial support for UNHCR. Subject to parliamentary approval, his Government proposed to increase its annual contribution to the General Programmes by some US\$ 3 million for a total of US\$ 24 million in 1998. As always, Norway would make large contributions in response to the High Commissioner's special appeals.

17. Mr. AKRAM (Pakistan) called on all donors to continue their support for UNHCR in order to ensure the integrity and continuity of its programmes during the difficult financial situation that it faced. It was through its General Programme that UNHCR could most effectively carry out its mandate in a neutral, non-political and non-discriminatory manner.

18. For over a decade, Pakistan had hosted the single largest concentration of refugees in the world: 3 million Afghan refugees, 1.4 million of whom were still in Pakistan. His Government had implemented a policy of temporary protection with voluntary return as the preferred option. Until the international community created the conditions for voluntary return to Afghanistan, Pakistan considered that it had the right to expect the rest of the world to share with it the burden of hosting such a large refugee population. Unfortunately, the international community's generosity had petered out during the past five years, leaving Pakistan to bear its burden, the economic cost of which was incalculable, alone. For Pakistan, therefore, the restoration of peace in Afghanistan was vital. Furthermore, his Government fully supported United Nations efforts to impose a complete arms embargo and to end all external interference.

19. A multilateral effort should be undertaken in order to facilitate reconstruction and reconciliation in all areas of Afghanistan where peace had been re-established. The majority of Afghan refugees still in Pakistan were from the Afghan provinces bordering Pakistan where fighting had ended and peace had returned. In those peaceful areas, large-scale efforts should be made to promote the return of refugees. To hold back assistance in that regard would condemn millions of innocent Afghans, particularly women and children, to prolonged displacement and endless suffering. With regard to local integration as a deliberate policy of UNHCR, his delegation could only point to the fact that the Afghan refugee population in Pakistan was

comparable in size to that of many United Nations Member States. Pakistan could not be expected to absorb such a large population merely because the international community was no longer willing to fulfil its obligations. Despite increasing pressure at the popular level, Pakistan had never resorted to the easy option of refoulement. Unfortunately, the principle of non-refoulement, which was a basic component of the refugee regime, was under continuous threat of violation.

20. There was a need to implement the principle of burden-sharing between countries of origin, countries of asylum and donor States, which was accepted in the Convention and reiterated in several of the Executive Committee's conclusions. Burden-sharing was not a way of escaping responsibilities, but rather of sharing them, not only in the provision of resources, but also in resettlement opportunities. Countries of first asylum, particularly developing countries, should not be alone in bearing the burden of absorbing refugees unable to return to their homes voluntarily.

21. It was said that globalization was creating a borderless world economy, but, in reality, new barriers were being erected against people, even those in distress, in order to preserve islands of privilege. Pakistan was increasingly concerned at the policies being adopted by countries which, in the past, had been strongly committed to the principles of asylum and the protection of refugees and whose current priority was return and repatriation rather than refuge or resolution of the causes of refugee flows.

22. The entire debate concerning a possible role for UNHCR in cases of persons not in need of international protection was questionable. Countries evading their responsibilities under the 1951 Convention and the 1967 Protocol could not expect to legitimize their restrictive asylum regimes through UNHCR involvement. On the contrary, UNHCR should act as an impartial body that rejected any effort towards a restrictive interpretation of refugee law.

23. Pakistan also opposed the unfortunate erosion of the principle of admitting refugees and, in particular, the increasingly frequent rejection of asylum-seekers and refugees at borders through extremely stringent controls, the growing number of expulsions at borders and misuse of the exclusion clause. In its view, that amounted to refoulement. His delegation agreed with Amnesty International that, while Governments were entitled to control immigration, they should ensure that asylum-seekers had access to a fair and equitable procedure.

24. Excessive numbers of rejected asylum-seekers were said to pose a threat to the institution of asylum. That might, in fact, be due to the increasingly stringent and demanding asylum laws that were being put in place and to the administrative bottlenecks which undermined the human rights of asylum-seekers. It was important to streamline those procedures rather than resorting to a blanket denial at borders.

25. Non-signatory members of the Executive Committee were often urged to ratify the 1951 Convention and the 1967 Protocol. His delegation considered that actions spoke louder than words, since, although Pakistan had not

ratified those two instruments, it had established its full respect for the principles of international refugee law through its continued respect for the rights of refugees. It would continue to follow that policy.

26. Mr. SSALI (Uganda) said it had been hoped that the end of the cold war would bring an end to conflicts and herald a new era of peaceful coexistence between and within countries. Unfortunately, that had not been the case, as shown by the upsurge in local and regional conflicts that had generated thousands of refugees. The annual theme of the current session was of particular interest for Africa because that continent, particularly the Great Lakes region, had generated the highest number of refugees and because, given the economic situation in Africa, the repatriation of those refugees presented a number of challenges. The annual theme was also of particular interest to Uganda for two main reasons. First, the country had generated a large number of refugees in the 1970s and 1980s, but had been able to secure the repatriation of the majority of its citizens in the 1990s and, secondly, it had long been a host country for numerous refugees fleeing from neighbouring countries.

27. He therefore highlighted four of the challenges which his country had faced during its repatriation operations: the introduction of innovative measures for refugees who had repatriated spontaneously; the repatriation of bona fide refugees who had become virtual hostages of organized criminal elements in refugee camps; environmental rehabilitation following the departure of refugees and the possible closure of refugee camps or settlements; and the establishment of stability in the country of origin.

28. When President Museveni had come to power in 1986, over half a million Ugandans had been living in exile. The Government had pursued a policy of national reconciliation and, in particular, had declared an amnesty for all exiled Ugandans. Those measures had, indeed, encouraged the voluntary repatriation of refugees; however, because those refugees had decided to return unaided, Uganda had faced many problems and had not received assistance from the international community in order to facilitate the reintegration of refugees into their communities. It was important for the international community to address that problem so that the lack of assistance to spontaneous returnees did not discourage others from following their example. It might be useful to implement quick impact projects, which had the advantage of benefiting not only returnees, but also the local population.

29. Another challenge stemmed from the failure to observe the principles of asylum in the Great Lakes region. Genuine asylum-seekers had been placed in the same camps with criminals who had then held them hostage. It was crucial for UNHCR and host countries to screen the refugee population so as to separate criminal elements and create conditions for the repatriation of refugees.

30. It should also be borne in mind that conflicts, especially in Africa, were responsible for the displacement of entire populations within and across borders. Very often, areas of conflict and those where refugees were present suffered serious economic and environmental damage. That situation called for, on the one hand, the taking of emergency measures by the international community and the country of origin in order to repair the damage to the

environment as soon as conditions in the country made possible the return of the exiles and, on the other, the international community's investment in environmental initiatives in the host countries. Uganda was particularly interested in that point since large areas in the north and west of the country had suffered severe damage.

31. Internal conflicts had created the new phenomenon of internally displaced persons. Since those persons were currently more numerous than refugees, the international community must find ways of assisting them. In fact, over half of the world's refugees and displaced persons were children whose physical and psychological well-being was profoundly affected by the disruption of families and community structures and inadequate resources. It was therefore necessary to develop strategies which took those problems into account and, in particular, which would enable those children to go to school and their families to earn a living.

32. It was clear from document A/AC.96/884/Add.2 that the resources projected for 1997 fell far short of the estimated cost of UNHCR programmes for that period. He urged donor countries to respond to the High Commissioner's appeal for contributions so that UNHCR could carry out its activities. Host countries, which bore a heavy burden, must be supported in their efforts. Uganda recognized that lasting solutions to the refugee problem would require the concerted efforts of the Governments concerned and the international community in order to create conditions necessary for peace and stability. He hoped that the international community would fulfil its commitment to support Africa.

33. Ms. ANDERSSON (Sweden) said that proposing solutions to refugee problems was the ultimate goal of UNHCR. Voluntary repatriation was the preferred solution, but repatriation was often a difficult and sensitive exercise because it took place in situations of insecurity. Sweden was seriously concerned at recent incidents of refoulement and premature involuntary return and urged all States and parties concerned to ensure adherence to refugee law.

34. A new concept had appeared, that of "repatriation emergencies". Human, national and international security were interdependent. In addition to the programmes carried out in that area, solutions to humanitarian crises would also require political commitment at the national and international levels. Her Government therefore welcomed the Security Council's new openness to the concerns of humanitarian actors and expected the international community to demonstrate the political will necessary to solve and prevent humanitarian crises of the scale and complexity mentioned by the High Commissioner at the previous meeting. Sweden considered that a common understanding and good diagnosis of the factors which triggered refugee outflows or prompt refugee return were essential for an adequate response. Both protection and assistance measures were necessary to foster the reintegration of refugees. UNHCR had adopted many innovative approaches, but since new pressures on that agency had had negative consequences in the areas of finance and programme management, the issue required continuous monitoring by the Standing Committee.

35. While protection was at the core of the mandate of UNHCR, protection activities were not clearly indicated in its annual budget. Protection in the repatriation context was directly linked to a functioning national protection regime in the country of origin. Her delegation had noted with interest the new features of UNHCR activities in the legal and justice sectors and looked forward to the results. There was a need for close cooperation between UNHCR, other United Nations agencies, regional bodies and bilateral partners in order to monitor the safety of refugee return, including respect for basic human rights.

36. The observations made by UNHCR indicated an erosion in the institution of asylum, partly as a result of transboundary security risks that accompanied refugee flows. The international community must recognize the difficulties faced by countries which were emerging from civil conflict and countries of asylum which bordered on conflict areas and should be more willing to assist those countries. In the case of Europe, the situation in the former Yugoslavia showed that obstacles to return and reintegration could be enormous despite the existence of a peace agreement. Innovative measures to promote voluntary repatriation were necessary. As UNHCR had suggested, incentives for positive national commitments should be encouraged. When refugees mingled with armed or military elements, the credibility of the asylum regime was threatened. It was therefore important to screen refugees and determine refugee status at an early stage, not only in order to permit effective management of relief programmes, but also in order to encourage smooth repatriation when conditions permitted. When repatriation was not feasible, resettlement remained one way of solving refugee problems. However, too few countries offered that possibility.

37. Since not all asylum-seekers were eligible for refugee status, UNHCR, in cooperation with the International Organization for Migration (IOM), should play a more important role in facilitating the return and reintegration of persons not in need of international protection, including rejected asylum-seekers. With regard to repatriation and the promotion of national protection, Sweden welcomed the High Commissioner's growing cooperation with regional and subregional organizations and her efforts to promote regional consultations between States on refugee and migration-related issues. With respect to regional cooperation, she drew attention to the important role played by UNHCR in the new democratic States of Europe. One significant achievement was the accession of all three Baltic States to the 1951 Geneva Convention and the 1967 Protocol.

38. In concluding, she paid tribute to the High Commissioner and her staff for their dedication and courage in carrying out their responsibilities and expressed deep regret that some humanitarian workers had died in the course of their activities.

39. Mr. FOULKES (United Kingdom) said that his Government believed in the importance of a strong international system in promoting political stability, social cohesion and an effective response to the threat of conflict and that UNHCR had an important place in that system. Not only was it responsible for providing humanitarian assistance to many populations of refugees and other displaced persons; it also ensured that the 1951 Convention relating to the Status of Refugees and other international instruments were respected. That

function must not be neglected in the face of an increasing demand for humanitarian aid. His Government would provide political and financial support for UNHCR and was committed to meeting its obligations under the 1951 Convention and its 1967 Protocol.

40. His delegation welcomed the choice of annual theme and considered that UNHCR should continue to give high priority to the search for lasting solutions to refugee problems. Although repatriation was sometimes problematic, it remained the preferred solution when conditions permitted. His Government was extremely concerned at the fact that some Governments - particularly the Democratic Republic of the Congo in the case of the Rwandan refugees - were forcing refugees to return while denying access to them by UNHCR's officials. Furthermore, in some cases, it was better for UNHCR to organize the return of refugees even if conditions in their country of origin were less than ideal. It was also important for UNHCR to promote, or at least not to discourage, refugees from returning home and for the distribution of aid not to be used to further the political ends of particular groups. Lastly, UNHCR should carefully consider to what extent it should become involved in reconstruction work in countries of origin, especially when other development agencies might already be active in that area.

41. There was a need to determine whether or not humanitarian assistance should be provided. A coherent system-wide approach to conflicts and crises was essential and depended on close cooperation among the humanitarian agencies themselves, but also on active cooperation from UNHCR and other United Nations agencies. His Government planned to introduce legislation to allow people to use the British courts to enforce their rights under the European Convention on Human Rights and was reviewing its asylum determination procedure in order to make it fairer and faster.

42. His Government was grateful to UNHCR for its active cooperation in Hong Kong and supported UNHCR's return and reintegration programmes in the former Yugoslavia. The Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the countries of the Commonwealth of Independent States (A/RES/50/151) was another important endeavour and his delegation was pleased to announce a contribution of US\$ 1 million to those activities.

43. In conclusion, he congratulated the High Commissioner and staff of UNHCR on their achievements. Although the operating environment for humanitarian operations had never been so complex and dangerous, UNHCR was confronting those challenges with determination and deserved the international community's moral and financial support.

44. Mr. van WULFFTEN PALTHE (Netherlands), referring to the UNHCR report on the return of persons not in need of international protection, stressed that States were required to allow the return of their own nationals. His delegation believed that UNHCR had a role to play in the return of persons not in need of international protection. For example, it could promote and facilitate dialogue between countries of refuge and countries of origin and assist the return of internally displaced persons to their places of origin in consultation with national Governments and other international organizations.

45. With regard to the 1997 annual theme, the Netherlands acknowledged the growing role of UNHCR in repatriation operations. It had been pointed out that the ultimate goal was to establish conditions for the return of refugees on a voluntary basis and under conditions of safety and dignity. Because humanitarian aid and political issues were becoming increasingly intertwined, humanitarian organizations and the international community should develop a coherent policy to counter the politicization of that assistance. For its part, UNHCR could signal political developments relating to refugees, particularly where those developments posed a threat to the latter's safety. The Department of Humanitarian Affairs (DHA) could organize informal consultations between the international actors involved in order to develop a joint strategy. The examples of the United Republic of Tanzania and the former Zaire showed the need to pay greater attention to political developments in refugee communities and to the position of refugees in host countries, and UNHCR was probably one of the organizations best placed to draw attention to such situations. That capacity could be put to more effective use if UNHCR and other relevant international bodies developed a joint strategy based on shared information.

46. With regard to crisis situations in the Great Lakes region, he emphasized that UNHCR must sometimes choose between trying to ensure security, albeit not according to international standards, or giving no assistance at all. Since unsuccessful repatriation operations had a detrimental effect on the process of reconciliation, the question of determining whether or not to organize such operations was one of the High Commissioner's most difficult dilemmas.

47. It might be asked whether UNHCR should have taken earlier action on the situation which had gradually developed in the Rwandan refugee camps in Eastern Zaire and which had been comparable to a hostage situation. Médecins sans frontières had taken a clear stand in 1995 by deciding to stop relief activities in the camps and UNHCR should perhaps have followed that example. When a refugee population was held hostage by a well-organized and perhaps even armed minority for political and military purposes, UNHCR might reconsider its activities, particularly where relief was being used to promote the interests of that minority and might limit itself to helping to establish requests for asylum. In such a situation, could relief activities not be carried out by others?

48. With regard to the role of UNHCR in reintegration, rehabilitation and reconstruction, he emphasized that the protection of refugees and limited assistance in facilitating their return should remain the core activities of UNHCR, whose implementing partners (local or international NGOs) often had knowledge of specific situations which would allow them to play a more important role in refugee rehabilitation.

49. In conclusion, several conditions must be met if UNHCR was to respond to repatriation challenges. Strategies must be developed to cope with the political aspects of the refugee problem, international consultation mechanisms must be established in order to review major refugee situations and improve coordination between humanitarian and political action, the ability of UNHCR to respond rapidly in complex situations and to negotiate with the

parties in power must be enhanced and the possible role of UNHCR in rehabilitation and reconstruction in cases of refugee return must not be exaggerated.

50. Ms. BEDLINGTON (Australia) said that the UNHCR decision to suspend activities in Central Africa was a sign of the problems it faced in its efforts to protect refugees while ensuring the safety of its own staff. Her delegation supported that decision and all efforts to foster improved conditions in that region.

51. The annual theme of the current session, repatriation challenges, was a logical continuation of the 1996 theme, the pursuit and implementation of solutions. While the repatriation of those who had required international protection must occur only under conditions of security and dignity and with the consent of the persons involved, there was no denying that the complexity and scale of recent population movements had made the implementation of repatriation programmes a challenge for UNHCR and the international community.

52. Australia had a long history of providing assistance to refugees fleeing persecution, but there was growing concern about the increasing abuse of the asylum process by persons not in need of international protection. Australia had therefore changed its procedure for processing asylum requests in order to make it more streamlined and cost-effective. For a country like Australia, the inability to return those not in need of international protection to their country of nationality or usual residence undermined public confidence in, and support for, the protection regime. Her delegation welcomed the UNHCR suggestion to explore the possibility of creating a regional mechanism where the Governments of countries of asylum and countries of origin could discuss problems related to the return of unsuccessful asylum-seekers.

53. While voluntary repatriation was the most durable and, therefore, the preferred solution, resettlement was the best option in sensitive cases where repatriation or reintegration into the country of first asylum were not feasible or did not meet the protection needs of the people concerned. In that regard, Australia had, per capita, one of the largest refugee settlement programmes in the world. At present, admissions to Australia for humanitarian reasons accounted for 15 per cent of all immigration to the country. In 1997, the Government had focused on the former Yugoslavia, the Middle East and Africa. However, its capacity to resettle refugees was being eroded by a broadening interpretation of the criteria set forth in the 1951 Convention which was paving the way for the consideration of other humanitarian principles. The Government was particularly concerned about the definition of the concepts of "particular social group", "persecution" and "effective protection". Unless checked, such developments might threaten the capacity of States to resettle those most in need.

54. Effective and durable repatriation also required the provision of immediate life-sustaining support in countries of first asylum, rehabilitation of shattered infrastructures and institution building in the country of origin. Australia provided substantial assistance to meet the needs of refugees and internally displaced persons, particularly in the Great Lakes region. Direct assistance to refugees was also part of Australia's larger development assistance programme, which focused predominately on the

Asia-Pacific region as part of an effort to build a secure and stable region in which conflict, and the resulting population flows, could be prevented. United Nations agencies, including UNHCR, and NGOs had played an important role in that regard.

55. Furthermore, since 1993, Australia had been carrying out a major programme of humanitarian and development assistance in Cambodia. Australian assistance, which was being used to clear landmines, rebuild infrastructures, promote good governance and human rights, rehabilitate agriculture and feed the hungry, had proved vital in producing the conditions for the successful repatriation of Cambodian refugees. Australia also supported the repatriation of refugees along the Thailand/Burma border and the Burma/Bangladesh border.

56. As the High Commissioner had mentioned, there should be continuing cooperative dialogue between Governments and UNHCR. That fact had prompted the organization of the Conference on Regional Approaches to Refugees and Displaced Persons of Asia and the Pacific, which had been hosted by Australia and UNHCR in Canberra in 1996 and by Thailand and UNHCR in Bangkok in 1997. On both of those occasions, the Governments of the Asia-Pacific region had emphasized the need for a common understanding of repatriation problems and a search for solutions at the regional level and had mentioned the special responsibility of countries for their own citizens. The Asia-Pacific region, which had a tremendous potential for constructive cooperation and a tradition of consensus, had been responsible for one of the most remarkable examples of cooperation in the history of UNHCR, the Comprehensive Plan of Action for Indo-Chinese Refugees, which had made possible the repatriation or resettlement of over 1 million people.

57. Lastly, she acknowledged Australia's excellent working relationship with UNHCR, both in Geneva and in the field. She paid tribute to the significant economic and social contribution made by refugees to the cultural development of her country and reiterated her Government's commitment to working closely with UNHCR in providing assistance to refugees and other victims of human rights violations worldwide.

58. Mr. EBRAHIMI (Islamic Republic of Iran) said that, at the turn of the century, the refugee crisis was one of the most daunting challenges to the international community. Developing countries, which, for humanitarian reasons, hosted the largest number of refugees, bore the greatest burden, yet received little in the way of international assistance.

59. For six consecutive years, the Islamic Republic of Iran, which hosted more than 2.1 million refugees, had been the leader in that regard. The challenge had been, and remained, enormous and the Government and people of the Islamic Republic of Iran were proud to have provided that large population with shelter, food, water, employment, education, health and other basic services. However, most developing countries, which faced their own economic, social and political problems, were unable to meet the increasing needs of growing numbers of refugees. Therefore, in the name of international solidarity, serious consideration should be given to the questions of burden-sharing and resettlement. The latter option should be explored as a priority by the developed countries, which were better able to accommodate refugees.

60. With regard to the Executive Committee's annual theme, repatriation challenges, he reiterated that voluntary repatriation was the best solution. However, since that goal could be achieved only if the situation in the country of origin had returned to normal so that returnees could be provided with basic services, solutions to civil and regional conflicts must be found with the help of financial resources and comprehensive plans and UNHCR must spearhead United Nations system activities aimed at creating favourable conditions in countries of origin. To that end, it should work closely with other organs and programmes of the system.

61. Repatriation programmes should be flexible. For example, if repatriation was slowed down or suspended owing to a lack of security in the country of origin, resources should be allocated to other refugee projects in the host country. There was also a need for greater decentralization of UNHCR activities and delegation of authority to the field offices. Without minimizing the importance of national and international activity, he emphasized the contribution of regional cooperation and the need to support UNHCR's regional approach initiative and the holding of regional conferences.

62. It was regrettable that some countries, caving in to the demands of racist groups, were imposing additional restrictions on the admission of refugees. He also emphasized the need to protect the cultural identity of refugees and suggested that that issue should be the main theme of a future session of the Executive Committee.

63. Ms. GHOSE (India) expressed appreciation for the fact that, despite trying circumstances, UNHCR had continued to implement its dual mandate of the protection of refugees and the search for permanent solutions to refugee problems. As the High Commissioner had stated in her opening address, the right to asylum and the right to non-refoulement were crucial principles which should be guaranteed through cooperation between States.

64. The theme of the current session, repatriation challenges, must be viewed in the context of the three major types of population movements currently taking place in the world: massive exodus due to civil wars, usually in developing countries; requests for asylum, primarily in developed countries; and illegal economic migration, which was common to both developing and developed countries.

65. In developing countries confronted with massive refugee flows, historical openness to refugees was waning, a fact which had led to the solution of repatriation to still unstable countries of origin. However, since the receiving countries were usually among the poorest in the world, it was essential for the international community to provide financial support and other forms of burden-sharing and to address problems in the countries of origin. Neither the duty to receive refugees nor the real costs associated with their arrival were equitably apportioned worldwide and assistance from other countries or from UNHCR was sometimes seen as a matter of charity. The 1951 Convention neither anticipated nor provided answers to the problems of front-line receiving States confronted with such mass exoduses.

66. At the same time, concerted action was required in addressing problems in countries of origin. Since humanitarian assistance could provide, at best, only temporary relief, efforts should focus on strengthening local capacities, integrating development approaches into relief activities and, eventually, handing over the process to national bodies or appropriate institutions such as the United Nations Development Programme (UNDP). In that regard, the High Commissioner had mentioned the signing of a memorandum of understanding between UNHCR, the UNDP Office in Rwanda and other United Nations agencies, including the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF); India appreciated such activities and suggested the possibility of undertaking a dialogue with the United Nations Conference on Trade and Development (UNCTAD), particularly with regard to the least developed countries in Africa.

67. Turning to the second category of movements, that of individuals or groups seeking political asylum, she said it was unfortunate that political refugees were treated as potential illegal economic migrants. It appeared that signatories to the 1951 Convention were derogating from its provisions by introducing new concepts such as "temporary protection" and questioning the fundamental principle of non-refoulement. There was no doubt that the social reaction to economic migrants, legal and illegal, had had an adverse impact on the refugee regimes in those countries. Developed countries must accept their responsibilities under international refugee and humanitarian law, desist from unilateral restrictive practices and accept the concepts of multiculturalism and pluralism so that all persons living in their territory were guaranteed basic human rights.

68. With regard to the third category, that of economic migrants who sometimes sought to enter countries illegally, while it was clear that such flows took place and could be cause for concern, neither the parameters nor the dimensions of that complex problem were known and it was not always possible to find solutions. As the United Nations agency with primary responsibility for refugees and an institution with great experience in handling composite population flows, UNHCR could be a catalyst in the study of those questions and in the search for and implementation of solutions. Her delegation was not in favour of allowing UNHCR to be forced into a "good offices" or passive monitoring role with regard to the return of rejected asylum-seekers from developed countries.

69. Unilateral solutions, such as the European Union's recent decision to restrict access to asylum because of the threat to security in its member States, were not the right path. Problems such as terrorism should be addressed in a collective manner, taking into account the interests of all States and the international nature of the problem. An open, transparent and multilateral process was the best means of ensuring a balance between refugees' need for protection and the legitimate security concerns of States.

70. Although India did not yet have a comprehensive refugee law, various court decisions, which had been based on the principle of the right to life and liberty of all persons residing in the country, provided guidelines. India had not signed the 1951 Convention because that instrument had been adopted in the specific context of conditions in Europe after the Second World War. It was evident that many of its provisions, particularly those which

dealt with the determination of status and social security, had little relevance to the circumstances of developing countries in the modern world, whose primary concern was mass and mixed inflows. In any case, signing the Convention alone was unlikely to result in any practical improvement in the protection which refugees had always enjoyed in India.

71. The time had come for a fundamental reformulation of international refugee law in order to take account of present-day realities. India was ready to join an international discussion on that question, although it was aware that fears had been expressed about a possible downward spiral in refugee protection and that the current mood in developed countries was not in favour of refugees. However, it must be recognized that refugee movements were primarily the developing countries' problem and that the biggest donors were, in reality, the developing countries which put at risk their fragile environment, economy and society in order to offer asylum to millions of refugees. An international system which did not address those concerns could not be sustained.

72. The Executive Committee's decision to expand the role of NGOs in the Standing Committee's activities had been a wise one since NGOs could bring to the Committee's meetings the valuable experience which they had acquired at the grass-roots level. However, because the Committee's meetings were conducted in a highly professional manner, the secretariat must ensure that the NGOs which participated had actual experience with refugee issues. Her delegation believed that UNHCR was a dynamic and efficient organization whose policies, functioning and staff must reflect the global nature of refugee concerns and the universal support enjoyed by the High Commissioner.

73. Mr. DEMBRI (Algeria) said that the relative stabilization of refugee movements worldwide was a sign of a disturbing lack of progress in the promotion and implementation of solutions to the refugee problem. The institution of asylum, which was the basis of refugee law, was the subject of flagrant violations, if not severe restrictions. The threat to that institution took the form of the violation of a corollary principle, that of non-refoulement, which was at the very heart of humanitarian law as a whole and refugee law in particular. However, asylum was an apolitical, humanitarian act that did not cover the activities of groups which promoted violence or condoned terrorism and which must not be subjected to extremist and demagogic media coverage.

74. While the UNHCR decision to make repatriation its annual theme had been a wise one, it was also a sign of the complexity of the issue and of the problems associated with its implementation. In cases where some areas of the country of origin were relatively stable, repatriation should be voluntary and based on the competent authorities' objective evaluation of security conditions in the areas targeted for return. His Government therefore considered that the recent political upheavals in the Great Lakes region and the resulting humanitarian crisis required a new approach which reconciled humanitarian principles with the national concerns of countries of asylum and origin. On the other hand, in areas of continued conflict, the evacuation of thousands of Rwandan refugees to their country of origin should not serve as a model for the solution of refugee problems, since it had failed to respect the principle of voluntary return.

75. Repatriation included a type of assistance aimed at facilitating reinsertion of individuals into their place of origin, and his delegation supported any effort to encourage reintegration of refugees under conditions of dignity in cooperation with host countries and the relevant agencies. However, he was less wholehearted in his support for UNHCR involvement in national reconciliation efforts. The political nature of such activities were ill-suited to UNHCR's humanitarian, apolitical nature and could only weaken its credibility in cases of controversy or disagreement.

76. Despite financial constraints, Algeria had made a considerable contribution to the voluntary repatriation of displaced persons and refugees in its territory under conditions of dignity and security. For example, it had pledged to donate \$2 million for the implementation of a peace and development plan in northern Mali and had financed the supply of services to two reception sites in order to facilitate the reintegration of repatriated refugees.

77. The Algerian Government welcomed the recent developments in the peace process in northern Niger and measures taken by the Government of that country to encourage the repatriation of refugees. In November, UNHCR and the Algerian Government would start a joint repatriation operation for 400 refugees from the Niger per week. That operation would be preceded by the provision of services to the reception sites, which was a necessary preliminary to repatriation.

78. Another example of the equitable implementation of the principle of voluntary repatriation was Algeria's contribution to the search for a just and lasting solution to the problem of Sahraoui refugees. He reiterated that UNHCR had responsibilities with regard to refugee populations seeking their legitimate rights.

79. Algeria shared UNHCR's concern about the financial problems it had faced in the past few years and urged the international community to demonstrate increased solidarity and generosity in order to eliminate two painful sources of human misery, displacement and forced repatriation.

80. Mr. GARNJANA-GOONCHORN (Thailand) thanked the secretariat for producing a comprehensive document on the annual theme of the current session. Thailand, which had hosted hundreds of thousands of Indo-Chinese and other refugees for decades, viewed repatriation as an issue of the utmost importance which had been somewhat neglected in the past. Although UNHCR had devoted a large portion of its budget to repatriation and reintegration, there was still much room for improvement.

81. It had been possible to repatriate only a handful of the approximately 140,000 refugees and displaced persons of various nationalities in Thailand because of the situation in their countries of origin. In keeping with its humanitarian tradition, his Government granted temporary asylum to those who fled the war provided that they did not use Thailand as a staging area from which to conduct activities detrimental to other countries, that they

respected the law and that they did not jeopardize Thailand's national interest. Playing host to thousands of refugees and displaced persons had not been without cost in terms of personnel, environmental degradation, control of epidemics and psychological impact.

82. Despite those difficulties, Thailand was committed to providing temporary protection to refugees. For example, in the west, the Government had decided to combine the many border camps and to relocate displaced persons from Myanmar to safer locations farther from the border; that had led to unfair criticism of those efforts. In the east, Thailand also hosted 49,232 Cambodian refugees who had fled the internal armed conflict in their country. The Government had housed them in temporary shelters away from the border and had given them humanitarian assistance in cooperation with the Thai Red Cross, UNHCR and the NGOs concerned.

83. He emphasized the temporary nature of the asylum and protection provided to refugees and displaced persons on humanitarian grounds. His Government was convinced that the durable solution to the problems of refugees and displaced persons was for them to be helped to return to their countries when conditions permitted. The success of any repatriation operation depended on the countries of origin, which must demonstrate a sense of responsibility towards their own people. They were responsible for eliminating the social, economic or political conditions which had caused the exodus of their people and for recognizing the latter's right to return.

84. Thailand believed that UNHCR should monitor the safety and dignity of all returnees. Rather than limiting itself to a mere "good offices" function, it should forge agreements with countries of origin to ensure the safe return of refugees, as it had done in the cases of Cambodian, Vietnamese and Laos refugees. In that regard, Thailand urged UNHCR to continue its dialogue with Myanmar with a view to facilitating the return and reintegration of displaced persons from that country.

85. Reintegration had a crucial role to play as a material incentive for return. However, piecemeal reintegration alone might not prevent the recurrence of a vast exodus of refugees; far more important was the sustainability of reintegration. While his delegation supported the quick impact projects, it wished to stress the need for a "continuum" from relief to development as a means of addressing the root causes of mass exodus in the countries of origin. In that connection, his delegation welcomed the renewed discussion of the implementation of the cessation clause of the 1951 Convention, which would encourage repatriation.

86. There was a need to explore the possibility of establishing relief transit centres in countries of origin at locations where logistics would not be a problem in order to prevent internal displacement from spilling over into mass exoduses of refugees. That idea, which had been discussed in the past, deserved to be re-examined, particularly in south-east Asia, where conditions were more favourable than in other regions.

87. Mr. LAFRENIERE (Canada) said that the current debate was a timely one. Canada believed that repatriation remained the preferred solution for most refugees and that it should be based on States' commitment fully to respect

basic humanitarian principles, particularly that of non-refoulement. In addition, if the institution of asylum was to be preserved, UNHCR must have the necessary tools to fulfil its international protection function.

88. Canada believed that repatriation plans must be guided by a number of important considerations. First, repatriation should be promoted only if refugees could return in safety, which, in some countries, would require demining operations. Secondly, ensuring the voluntary nature of repatriation must remain a consistent goal, although there would always be situations where repatriation in less than ideal conditions might be preferable to the continued presence of refugees in a host country. Thirdly, particular emphasis must be placed on the needs of returning women and children, who were a high-risk group within an already vulnerable population. Fourthly, repatriation must not lead to further destabilization in the region. Lastly, preparation for eventual return must be initiated as soon as basic humanitarian assistance had been provided.

89. Canada was concerned about breaches of the fundamental principle of non-refoulement. He pointed out that UNHCR had a mandate to protect refugee populations and that all States had an obligation to cooperate with it, particularly by ensuring full and free humanitarian access to refugee populations in their territories.

90. However, UNHCR and the international community must continually examine the wider impact of refugee assistance programmes, especially in situations of violent conflict. Protracted refugee assistance programmes and assistance to those who did not need, or no longer needed, such support could exacerbate conflict. Canada therefore encouraged UNHCR to apply the cessation clauses contained in the 1951 Convention. Furthermore, UNHCR had an initial role to play in reintegration activities, which must be carried out in cooperation with other United Nations agencies, international organizations and NGOs. He expressed his Government's strong support for the Secretary-General's reform and, in particular, the initiatives aimed at improving the effectiveness of the United Nations humanitarian system.

The meeting rose at 6.20 p.m.



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HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 518th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 October 1997, at 10 a.m.

Chairman: Mr. SKOGMO (Norway)

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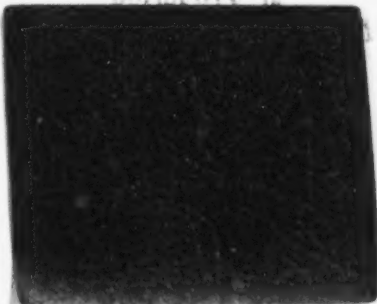
ANNUAL THEME: REPATRIATION CHALLENGES (continued)

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The meeting was called to order at 10.10 a.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/882 and 887)

1. Ms. ANDERSON (Ireland) said there had been a significant deterioration in the environment in which the Office of the United Nations High Commissioner for Refugees (UNHCR) operated. Refugees were often not an unavoidable consequence, but the intended victims, of unrest. In areas such as Bosnia and the Great Lakes region, where the displacement of refugees served political ends, the role and activities of UNHCR were also perceived in political terms. Furthermore, UNHCR and its partners in humanitarian assistance operated increasingly in volatile and dangerous environments which threatened the safety of staff in the field. Too often, UNHCR personnel were required to operate in a moral quagmire and to confront agonizing choices with little time for reflection and in situations where all the available options carried a cost in terms of human suffering, sacrifice of principle, or both. She recognized that UNHCR had sometimes felt very alone in confronting those choices.
2. The international community had not distinguished itself in its response to recent crises. For example, the strategy for the repatriation of refugees to Rwanda which had been adopted at the previous year's Executive Committee had proved impossible to implement. Recent experience had shown that the international community must exercise greater foresight and responsibility. When humanitarian agencies were faced with "no-win" choices, there had already been a failure at various points along the line. Agencies and Governments must consider how their own policies and actions had allowed a drift towards a situation where all remaining choices were deeply flawed.
3. Consideration of repatriation should begin with the causes of displacement. In most cases, people became refugees because their rights had been ignored or abused and refugees were subjected to human rights violations in their countries of origin and, frequently, also in their countries of refuge. Repatriation could succeed only where human rights abusers were held accountable, basic rights were assured and reconciliation was taken seriously.
4. Her Government was deeply concerned by the Democratic Republic of the Congo's violation of the principle of refoulement, expulsion of UNHCR and other aid agencies from Goma and obstruction of the Secretary-General's investigative team. While acknowledging the pain and complexity of the recent history of the Great Lakes region, the international community could not fail to speak out when Governments violated their obligations under international law if it was not to erode the fundamental human rights and humanitarian principles which were the bedrock of policy.
5. Developing countries had always borne a disproportionate burden in trying to cope with overwhelming numbers of refugees in environments ill-equipped to receive them. While the international community rightly insisted that there should be no mitigation of the absolute responsibility of States to observe the international principles of behaviour towards refugees, there must also be a greater commitment to preventive approaches and increased readiness to help receiving countries cope. The representative of Luxembourg,

speaking of behalf of the European Union, had stressed the importance of public opinion in ensuring the smooth integration of refugees into countries of asylum. Ireland, which had experienced a great increase in asylum-seekers during the past two years, had seen at first hand how abuse of asylum could damage the public perception of refugee issues. Increased awareness of those issues was possible only if accompanied by a fair and efficient assessment process leading to the full integration of genuine refugees and the rapid repatriation of those who abused the process. She welcomed the attention given to that issue by UNHCR over the past year and the growing recognition that it had a role to play in that process.

6. Despite their unprecedented scale, the catastrophes in Bosnia and the Great Lakes region accounted for only a minority of the world's refugees. Ireland shared the High Commissioner's concern about the funding of less publicized crises, such as the situation of Bhutanese refugees, and of the General Programme and was responding positively to her appeal for additional resources. It was important to find a balance between, on the one hand, ensuring that repatriation was a durable solution which was implemented under acceptable conditions and, on the other, avoiding "mission creep" which would involve UNHCR in activities better undertaken by other agencies. The dilemmas faced by UNHCR were unlikely to disappear; however, improved anticipation, decisiveness, coherence and solidarity would make it possible for the international community to deal with them better.

7. Mr. AKAO (Japan) said that there had been no new large-scale refugee crises during the past year and that the state of emergency that had gripped the world since 1994 appeared to have ended, while the repatriation of 2 million refugees during 1996 was a step towards a durable solution to the refugee problem. However, the international community was faced with new challenges, including that of the reintegration of refugees into Rwanda, the protection of the remaining Rwandan refugees in the Great Lakes region and repatriation to the former Yugoslavia.

8. While voluntary repatriation was a desirable ideal, refugees placed an enormous burden on host countries. Japan supported UNHCR's efforts to protect the environment in and around refugee camps and offered bilateral assistance in environmental rehabilitation. Friction between local residents and refugees could lessen the generosity of asylum States and even lead to forced repatriation, such as that which was occurring in some African countries, in violation of the principles of humanitarian law. The large-scale return of refugees led to tension between returnees and the local population of the country of origin, which was, owing to the collapse of its social infrastructure and the weakening of its political and economic systems, unable adequately to protect the newcomers, as in the cases of the former Yugoslavia and Rwanda. In Liberia, UNHCR had rightly refrained from encouraging early repatriation in order to avoid confusion as the peace process entered its final stage with the holding of presidential elections. Orderly repatriation required coordination between countries of origin and asylum and between international organizations. The UNHCR quick impact projects (QIPs) facilitated in the reintegration of returnees into their communities of origin; however, since long-term assistance to returnees was sometimes

considered to be beyond the mandate of UNHCR, the newly established Framework for Cooperation between that organization, the World Bank and the United Nations Development Programme (UNDP), the timely launching of the United Nations Consolidated Inter-agency Appeal and the Early Implementation of the Emergency Relief Coordinator system were of great importance.

9. In the post-cold war era, refugees were the products of ethnic confrontation. The disarmament and demobilization of conflicting parties, while indispensable, required impartiality and neutrality. Peacekeeping and other international monitoring operations were needed and the work of the Cease-fire Monitoring Group (ECOMOG) in connection with the peace process in Liberia had shown the importance of regional organizations, particularly in Africa. Assistance programmes such as the "Open Cities" initiative in Bosnia and Herzegovina were also essential to promote reconciliation within nations and avoid the recurrence of ethnic conflict. Japan was convinced that social and economic development were also essential to the elimination of ethnic confrontation and was tackling development issues, particularly in Africa, by sponsoring the second Tokyo International Conference on African Development (TICAD II), in cooperation with the United Nations and the Global Coalition for Africa (GCA), in autumn 1998 and by organizing an international conference on conflict prevention strategy, to be held in January 1998.

10. The Government of Japan planned to raise the issue of the security of humanitarian workers, including UNHCR staff, at the International Conference on the Present Initiative and Future Prospects of United Nations Peacekeeping Operations, to be held in Tokyo in March 1998. He urged member States to join Japan in ratifying the Convention on the Safety of United Nations and Associated Personnel, which had not yet entered into force owing to the insufficient number of signatory States. The international community must consider concrete measures aimed at increasing the number of parties to that Convention and should discuss the expansion of its scope to include the staff of non-governmental organizations (NGOs).

11. He announced that Japan had pledged to increase its 1997 contribution to UNHCR programmes by US\$ 40 million, bringing its contribution for the entire year to a total of US\$ 104 million.

12. Mr. BALDOCCI (Italy) said that the recent crisis in Albania provided an example of effective international cooperation. Most of the refugees who had fled that country had not qualified for asylum under the 1951 Convention relating to the Status of Refugees. The Government of Italy had decided to admit them temporarily on humanitarian grounds while granting asylum to the small number who met the criteria established in the Convention. Italy was currently faced with the problem of repatriating the remaining Albanians by legal means while discouraging clandestine immigration, which was often run by organized crime syndicates. That repatriation, while not voluntary, was being carried out with the greatest respect for humanitarian concerns and in cooperation with UNHCR.

13. Monsignor BERTELLO (Holy See) said that document A/AC.96/887 (Annual theme: Repatriation challenges) demonstrated the complexity of the repatriation problem in the light of recent events, changes in the situation of countries of asylum and the attitudes of donor countries, and the fragile

structure and uncertain political future of several countries of origin. Worsening conditions in countries of asylum made them less willing to accept refugees and the international community had failed to take timely measures, such as the placement of refugees at a distance from borders and the separation of civilians, soldiers and militia in the camps, which would have facilitated the refugees' eventual return. He reaffirmed the position of the Holy See as presented in the document entitled "Refugees: A challenge to solidarity" (A/48/91), which had been published in 1992 and discussed by the General Assembly at its forty-eighth session. That document stated that "scrupulous respect for the principle of voluntary repatriation is the non-negotiable basis for the treatment of refugees. No person must be sent back to a country where he or she fears discriminatory action or serious life-threatening situations" (para. 14).

14. Experience had shown that refugees returned spontaneously to their countries of origin, sometimes without requesting international assistance, when they believed that it was safe to do so. Massive repatriations had been possible in Guatemala, Iraq and Mozambique once representatives of the refugees had been included in the negotiations between the countries of asylum and origin and had thus been given access to accurate information on which to base a group decision. Unfortunately, in other cases, refugees were manipulated and prevented from returning by their own leaders, the soldiers who often ruled in the camps or outside factors. As the Executive Committee had stated on several occasions, the mission of UNHCR was to protect refugees' right to choose whether to return, help them to make that choice, ensure that those who chose to return were able to do so in dignity and safety, protect those who, for valid reasons, decided not to return and help them to integrate into their host communities or to find another country of asylum.

15. Document A/AC.96/887 described various situations, some of them ambiguous or critical, and conditions under which refugees could be repatriated in their own interests rather than those of a political or economic nature. Those conditions included their ability to take up their former lives in the society from which they had fled and to achieve economic reintegration, particularly in the poorest countries. The international community must be willing to provide economic and logistical support, not only during repatriation, but also during the reconstruction of the country of origin. However, none of those efforts would be sufficient unless all parties concerned were prepared to work towards a new societal model, eliminating the causes of sometimes long-standing conflicts. Mere respect for ethnic balance or power-sharing agreements, often promoted at the expense of refugees, would not solve the fundamental problem and might well sow the seeds of new crises. While the international community could support such a project, local populations were primarily responsible for changing the fabric of their societies.

16. During his visit to Sarajevo in April 1997, Pope John II had emphasized the need for spiritual as well as physical rebuilding in the wake of war. Only through sincere dialogue could ethnic conflict and excessive nationalism give way to the right of all human beings to live in peace and serenity and without intolerance or persecution. All religions had a responsibility to assist in the creation of a climate of tolerance through education in peace and respect for truth and justice. Religious faith could facilitate

recognition of the suffering that had been inflicted and make it easier to forget hatred and revenge and to grant, and accept, forgiveness. NGOs also had an important role to play in that process. The Catholic Church, with its network of services and structures, would continue to cooperate with UNHCR in providing protection and assistance to refugees.

17. Mr. GYGER (Switzerland) said that repatriation was by far the best solution to refugee problems since, as emphasized in document A/AC.96/887, it contributed to economic reconstruction and encouraged reconciliation in war-torn societies. However, large refugee populations could destabilize local communities in asylum countries to such an extent that the refugees' safety could no longer be ensured and it was difficult to distinguish between consensual and coerced return. Under those circumstances, UNHCR might suddenly find itself in charge of an emergency evacuation rather than a repatriation programme. The situation in the Great Lakes region, which was marked by political unrest, violence and the displacement of large populations, many of them infiltrated by armed factions, was wholly foreign to the circumstances envisaged by those who had drafted the 1951 Convention relating to the Status of Refugees. The choices made and activities carried out by UNHCR and other humanitarian organizations must therefore be evaluated in that context rather than according to the criteria for an ideal refugee operation.

18. The problem was to determine how the State directly involved, and the international community as a whole, had allowed such a situation to develop and whether that development could have been prevented. For example, it was clear that the task of separating members of armed factions from refugees in the camps had been incumbent on the military and political powers rather than on humanitarian agencies such as UNHCR. The Great Lakes conflict had raised the fundamental question of the relationship between humanitarian and political action. There was a real risk that humanitarian agencies would be manipulated by political forces. It would be useful for UNHCR, on the basis of its experience in that region, to inform the Executive Committee of the measures which it might take to avoid being exploited in that way and of how the international community could help it to do so.

19. By comparison with the dramatic events in the Great Lakes region, problems related to the return of unsuccessful asylum-seekers might seem a lower priority. However, those problems posed a threat to the institution of asylum as a whole and to the credibility of the system of international protection. Procedures for determining the status of asylum-seekers represented a major investment for host countries, yet those procedures were useless if the resulting decisions could not be implemented. Moreover, temporary protection could not continue to be granted without guarantees that the beneficiaries would return home when conditions permitted. Those issues should be the subject of in-depth discussion leading to the adoption of coordinated approaches not only between host countries, but also between countries of asylum and origin. In that regard, UNHCR could serve as a catalyst for discussion, take a clear position concerning the situation of countries of origin and ensure passive monitoring.

20. With regard to repatriation in the aftermath of conflict, his delegation stressed the importance of successful reintegration for the re-establishment

of peace, reconciliation and the prevention of additional forced displacements. However, UNHCR was not solely responsible for the success of repatriation efforts; political, social, economic and legal factors must also be taken into consideration. Development agencies, financial institutions and the States concerned must provide assistance at the earliest possible stage, not only in the field, but also in the area of long-term strategic planning. His delegation therefore welcomed the signing of memoranda of understanding between UNHCR and its partners and hoped that those agreements would extend beyond bilateral cooperation and provide precise and detailed information on modalities of multilateral coordination on the basis of the comparative advantages of the organizations in question.

21. While lasting peace and reconciliation were the ultimate goals, a distinction must be made between activities devoted primarily to those ends and those which played a contributory role. There again, humanitarian agencies did not bear the primary responsibility for peace, reconciliation and the development of war-torn countries and humanitarian action could not be a substitute for the political will of States, which must not make humanitarian agencies scapegoats for their own failure to find lasting solutions to crises and conflicts. While UNHCR could assist in the reintegration of refugees and the development of legal procedures in the field of refugee law, such activities were only a first step towards reconciliation. Other parties, including countries of origin, must intervene promptly in the areas of development, human rights and political monitoring, which were also essential if peace was to be achieved. In that regard, he welcomed the UNHCR "Open Cities" project in Bosnia and Herzegovina.

22. Lastly, he paid tribute to the representatives of UNHCR and other organizations who had lost their lives in the work of assisting refugees.

23. Ms. ROBINSON (United Nations High Commissioner for Human Rights) said that she shared the concerns expressed by the High Commissioner for Refugees about the consequences of the lack of willingness of States to take adequate responsibility following the genocidal killings in Rwanda in 1994. The High Commissioner for Refugees had rightly underlined the strong links between human rights and refugee problems and she herself fully shared the view that refugee protection should be considered within the broader framework of international human rights.

24. Consequently, it was all the more necessary to strengthen linkages between UNHCR and the Office of the High Commissioner for Human Rights, since it was only by tackling the root causes of refugee flows that durable solutions could be found and the risk of further displacement mitigated. The shared interest of both Offices in the relationship between human rights and refugees was reflected in the in-depth legal study on the extent to which international law provided protection from arbitrary displacement which had been undertaken by the Special Representative of the Secretary-General on internally displaced persons and would serve as a basis for a set of guiding principles on protection against displacement to be submitted to the next session of the Commission on Human Rights.

25. During the past year, it had become increasingly apparent that refugees and internally displaced persons often returned to countries in which human rights violations continued to exist. As the protection of human rights was a prerequisite for sustainable return and effective reintegration, the Office of the High Commissioner for Human Rights and UNHCR had a duty to work together to seek durable solutions to the plight of displaced persons. In recent years, the two Offices had begun joint monitoring of returns and had jointly assisted in establishing the conditions of safety and dignity that were conducive to return. Durable solutions to the problem of displacement also required significant efforts at reconstruction and reconciliation, to which her Office could make an important contribution through its technical cooperation and advisory services programme. She had taken note of UNHCR's pilot projects in the field of education for peace, conflict resolution and human rights education and had been pleased to receive a copy of its recent policy paper on UNHCR and human rights.

26. The notion of non-discrimination was inherent to the concept of human rights and a holistic, community-based approach was critical to ensuring social stability in areas of return and preventing future problems.

27. UNHCR and the Office of the High Commissioner for Human Rights were and must continue to be engaged in joint activities. They had cooperated in formulating a Programme of Action to provide CIS Conference States with the tools necessary to address problems of forced migration in a manner consistent with human rights. In the coming year, they would jointly sponsor an expert panel and a publication on human rights, refugees and displaced persons. However, the challenge of ensuring the stability of return extended far beyond the mandate and capacities of any single organization and required the active involvement of a variety of multilateral actors. The current informal cooperation between the two Offices should be strengthened and formalized by means of joint meetings, exchanges of staff and co-sponsorship of staff training.

28. Cooperation between the two Offices should improve as a result of the ongoing reform of the United Nations. The participation of the Office of the High Commissioner for Human Rights in the four Executive Committees should help to harmonize work programmes and strengthen the international response to humanitarian crises. The standing invitations to her Office and to the Special Representative of the Secretary-General on internally displaced persons to attend the meetings of the Inter-Agency Standing Committee (IASC) should promote a sharpened focus on strategies to combat forced displacement and ensure the inclusion of the human rights perspective in inter-agency deliberations. She also expressed her keen interest in the Canadian guidelines on women refugees and her conviction that, together, the two Offices could make the Convention relating to the Status of Refugees more gender sensitive.

29. At the field level, a clear sharing of responsibilities between the Offices could be achieved through memoranda of understanding and the establishment of field presences - a recent and significant development for the Office of the High Commissioner for Human Rights - could benefit from the extensive field presence of the Office of the High Commissioner for Refugees. Where UNHCR's mandate limited its own involvement, it would be very useful for

the Office of the High Commissioner for Human Rights to be alerted in order to provide displaced persons with adequate support in the process of return and reintegration.

30. The relationship between human rights and refugees went far beyond the provisions of article 14 of the Universal Declaration of Human Rights and she looked forward to working closely with the High Commissioner for Refugees in order to find complementarities and new synergies in the activities of their respective Offices so as to ensure the highest possible degree of protection for the victims of displacement.

31. Mr. ALEMU (Federal Democratic Republic of Ethiopia) said that the selection of "repatriation challenges" as the theme for the forty-eighth session of the Executive Committee testified to the fact that there was no greater satisfaction for peoples who had experienced refugee crises than to witness the voluntary return of their compatriots, in safety and dignity, to undertake the daunting task of building a new life and reconstructing their country.

32. Successful repatriation could take place only in a context of durable peace and stability, which could be brought about by tackling the root causes of refugee flows. Those causes were by and large political and, in seeking positive political outcomes, it was essential to avoid the temptation of a quick fix based on short-term calculations and to work instead through a consultative mechanism to determine whether the situation in the country of origin lent itself to viable repatriation programmes.

33. In the African context, regional organizations such as the Intergovernmental Authority on Development (IGAD) and the Organization of African Unity (OAU) could facilitate joint discussions to steer repatriation operations towards reconciliation, stability and reintegration. Repatriation operations should be part of a continuum embracing both reintegration and sustainable development. While UNHCR's quick impact projects (QIPs) were vital, only a comprehensive programme of socio-economic development could sustain regional stability and induce more refugees to return home.

34. His delegation welcomed UNHCR's efforts to harmonize its activities with those of agencies such as the United Nations Development Programme (UNDP) and the World Bank and insisted on the need to articulate the timing and targeting of each agency's involvement so that, when UNHCR withdrew from reintegration activities, other agencies would take over, thereby enhancing UNHCR's traditional catalytic role in creating linkages between the initial stages of reintegration and sustainable development.

35. Mounting a repatriation operation was a challenging task and was perhaps beyond the capacities of countries suffering from the ravages of war and bad governance. UNHCR and its sister agencies should increase their efforts to build the capacity of returnee-receiving nations, through financial assistance and technical help, to make repatriations durable and sustainable. Although encouraging political developments in Africa gave reason to hope that refugees would return voluntarily to their countries, the economic situation in the countries concerned was not always attractive enough to secure their return. Financial assistance was required to ensure returnees a soft landing and

alleviate the burden borne by the receiving countries and communities. It was also perhaps necessary for UNHCR to go beyond its traditional role and to verify that due process of law was guaranteed in the repatriation process, thereby helping to prevent the erosion of the institution of protection and asylum for those in genuine need of it.

36. Turning to repatriation activities in Ethiopia, his delegation was deeply satisfied that, immediately after having repatriated over 1 million of its own citizens with the assistance and collaboration of UNHCR, Ethiopia was currently promoting durable solutions for refugees hosted in its territory. Following the completion of the pilot repatriation project for 10,000 refugees, preparations were under way to repatriate a further 10,000 to north-west Somalia, where the Government of Ethiopia had gone out of its way to support UNHCR in promoting durable solutions, despite the absence of a recognized authority there. Despite those encouraging developments, however, it was impossible not to express concern about developments in that repatriation exercise. In the absence of a recognized Government and given the weak absorptive capacity of the economy, there was little incentive to return to Somalia and the threat of a further exodus of refugees was very real.

37. Bilateral talks on the small caseloads of Djiboutian and Kenyan refugees in Ethiopia had been held in mid-1997 and he took the opportunity to reiterate his Government's commitment to facilitating those refugees' return to their countries and encouraged UNHCR to take initiatives in consultation with the countries of origin.

38. Because of unforeseen circumstances, it had been possible to repatriate only some 7,000 of the residual caseload of Ethiopian refugees in Sudan. His delegation looked forward to meeting representatives of Sudan at the current session of the Executive Committee to discuss matters of common concern and he was confident that, after decades of war, Ethiopia's reputation as a source of millions of refugees would be a thing of the past.

39. Despite its successful repatriation activities in 1997, Ethiopia had received new inflows of refugees from both Sudan and Somalia. The Ethiopian authorities had been compelled to provide proper care and maintenance for those refugees until lasting solutions could be found. The enormous sacrifices Ethiopia had made in hosting over 320,000 refugees were compounded by the fact that over 1 million Ethiopian returnees had to be given reintegration assistance. His delegation hoped to receive positive responses to the projects it would present for funding as part of its reintegration and development strategy for areas receiving returnees in Ethiopia. While repatriation was the most durable solution to refugee problems, it required the reorientation of returnee assistance towards sustainable development assistance through reintegration and rehabilitation in order to be effective.

40. Mr. AL-AAS (Sudan) drew attention to his country's positive record, both as a member of the Executive Committee for over a quarter of a century and as a country which, despite its own economic difficulties, was still hosting around 1 million refugees from its various neighbours. Regrettably, the active cooperation previously extended to Sudan by the international community had declined of late, leaving Sudan alone to cope with its serious

refugee problem, although the importance of international solidarity and burden-sharing had always been recognized by the Committee in the past and was again highlighted in the Note on International Protection submitted to the present session (A/AC.96/882).

41. The relative failure of the developments which had taken place in the Horn of Africa over the past seven years to ensure smooth voluntary repatriation of refugees currently hosted by Sudan was, in his view, attributable to three main factors. First, the inadequacy of the international community's response, especially with regard to rehabilitation in the countries of origin, had discouraged many refugees from returning to their homes. Secondly, some countries of origin had also been reluctant to encourage voluntary repatriation for fear of having to assume still greater economic burdens in the absence of appropriate international assistance. Lastly, political considerations also came into play, some countries of origin fearing that massive refugee returns might entail considerable changes in their countries' existing political structures. As a result, the living conditions of refugees in Sudan could be described as devastating, especially in view of current serious reductions in UNHCR assistance.

42. His delegation, which for several years had been warning the Committee of the very serious security, economic, social and political consequences for Sudan of the continuing deterioration of the refugee situation, once again called on the international community and UNHCR to shoulder their responsibility until the repatriation of the refugees had been fully achieved. Sudan, for its part, remained committed to the principle of voluntary repatriation in any form or modality that might be agreeable to the parties concerned.

43. Turning to the specific question of Ethiopian refugees, he expressed his Government's appreciation of the Ethiopian Government's signature in 1993 of the Tripartite Agreement providing for the establishment of a technical committee to facilitate the repatriation of Ethiopian refugees. Some 80,000 refugees had been successfully repatriated thus far. Some difficulties were, however, being encountered owing to the inadequacy of international assistance in connection with rehabilitation efforts and the numbers of refugees willing to return to Ethiopia within the framework of the Technical Committee arrangement had of late declined.

44. As a result of improved conditions in Chad, some 13,000 refugees had voluntarily returned to that country from Sudan, which was now, in collaboration with UNHCR, embarking on the process of returning the refugees still in the country. Ethnic affiliations across the borders between the two countries were causing some delays in the repatriation process. Another obstacle was the fact that many Chadian refugees had settled in urban areas of Sudan; both Governments were at pains to convince such refugees to return voluntarily to their country.

45. As for refugees from the Democratic Republic of the Congo, about 5,000 had lived in Bahr Eljabal State for over 30 years and a similar number were to be found in other parts of Sudan. His Government was hopeful that developments in their country would encourage those refugees to

return home. A new group of 2,000 refugees from the Democratic Republic of the Congo had entered Sudan recently, but they had now indicated their willingness to go back.

46. In view of the situation in the region as a whole, and bearing in mind that repatriation challenges formed the main theme of the current session, his delegation renewed its call for a conference to set up a broad framework for agreed repatriation policies. Sudan had offered to host such a conference, which would be held under the auspices of UNHCR and OAU, and would actively participate in it whether it was held in Sudan or elsewhere in the region. The High Commissioner, when approached on the subject by his delegation, had welcomed the idea.

47. While Sudan was anxious to achieve the voluntary repatriation of foreign refugees to their countries of origin, it was equally occupied with efforts to repatriate its own refugees from neighbouring countries, where many of them were suffering from lack of security and harsh living conditions. Recent political developments in Sudan, the most important of which was the signing of the Khartoum Peace Agreement relating to the conflict in the south of the country, had created a new atmosphere of peace. Almost all political and armed factions had joined the Agreement, with the exception of one, which, it was hoped, would soon join the peace process. In view of such positive developments, Sudan called on its neighbouring countries and UNHCR to facilitate visits to Sudanese refugees with a view to enlightening them about the positive implications of the peace agreement and encouraging them to return to the country and contribute to the peace building process. At the same time, his delegation reiterated that all acts of forced conscription of children and their abduction and use in armed conflicts were contrary to all international humanitarian and legal norms and conventions, including the Convention on the Rights of the Child. The plight of Sudanese children still held captive in rebel camps made it imperative for the international community to break its silence and take urgent action to free those children and reunite them with their families.

48. The slow pace of voluntary repatriation operations made it impossible for the current level of the UNHCR programme for Sudan to meet basic refugee needs. The unwillingness of donors to support the Sudan programme because of unfulfilled repatriation expectations was thus creating a vicious circle in which poor repatriation results were succeeded by a sharp decline in assistance. The donor community and UNHCR should realize that such a situation would merely exacerbate the already existing economic difficulties facing Sudan and would ultimately result in still more suffering for the refugees. His Government deeply regretted the politicization of humanitarian efforts evident in the reluctance of certain donors to provide funds for the rehabilitation of refugee-affected areas as well as for the refugee assistance programme. As a result, a very important environmental project in the refugee-affected areas had been brought to a halt despite the importance which the international community attached to environmental concerns.

49. In conclusion, he reported that, together with UNHCR and WFP, Sudan had undertaken a census project in the refugee camps for the purpose of determining precise food requirements. A comprehensive census project had now been prepared with a view to obtaining a clearer picture of the actual numbers

of refugees in Sudan. The coverage was to include refugees living outside the camps, whose numbers were thought to exceed those of refugees living in camps. His delegation hoped that UNHCR would participate in the new exercise, which would be helpful with policy-making and planning in the areas of repatriation as well as of assistance.

50. Ms. MENG Xianying (China) said that, despite the unremitting efforts of the international community and UNHCR and the undeniable progress achieved, the global refugee situation did not yet allow any optimism. Her Government had always maintained that the solution to refugee problems lay in eliminating the root causes, as well as in providing humanitarian protection and assistance. Only by seeking peaceful settlements of disputes, promoting economic and social development, eliminating poverty and establishing a fair and rational new international economic order could the international community hope to create the necessary political and economic conditions for a thorough solution to refugee problems. Meanwhile, it should uphold the principle of international solidarity and burden-sharing by providing humanitarian protection and assistance to refugees and creating conditions for their voluntary repatriation, local integration or resettlement.

51. In particular, the international community should actively promote voluntary repatriation, which her Government believed to be the ideal and most practical solution to refugee problems. Countries of asylum should respect the principle of non-refoulement and avoid forcible repatriation of refugees to countries of origin where conditions were not ready for their return. The international community should support the asylum countries in that regard, especially by sharing the heavy burden borne by economically backward developing countries hosting large refugee populations. However, where the domestic, political and economic situation of the countries of origin permitted, those countries should assume the responsibility of accepting refugees who volunteered to return and assist their reintegration in society. As an asylum country, China had, despite its own limited resources, provided asylum for nearly 300,000 Indo-Chinese refugees for almost 20 years, steadfastly abiding by the principle of voluntary repatriation and never forcibly repatriating refugees. China respected the will of some Indo-Chinese refugees in China to return home and wished, together with the countries concerned, to help them do so in safety and dignity. As for those refugees who wished to remain in China, her Government would help them, as it had always done. It was to be hoped that the international community and UNHCR would continue to support China's efforts in that regard.

52. Her Government thanked UNHCR for its efforts to bring about a solution to the problem of Vietnamese refugees and boat people in Hong Kong. Since the conclusion of the Comprehensive Plan of Action more than a year previously, about 800 boat people and 1,000 refugees still remained in Hong Kong. Three months had now elapsed since Hong Kong's return to China. Her Government was greatly concerned about the refugee issue in Hong Kong and wished to see a complete settlement as early as possible. It hoped that the parties concerned would take further steps towards the early repatriation of the remaining Vietnamese boat people in Hong Kong and that the countries concerned would adopt a more positive and cooperative attitude in the matter of providing resettlement to the remaining refugees in Hong Kong.

53. Recalling her country's many years of friendly and fruitful cooperation with UNHCR, she noted with satisfaction that UNHCR had, during the current year, upgraded its Branch Office in China to a Regional Office. Her Government would be glad to strengthen further its cooperation with UNHCR and to join other countries in efforts to seek solutions to refugee problems worldwide.

54. Ms. WONG (China) said that more than 20,000 Vietnamese asylum-seekers had found first asylum in the tiny crowded territory of Hong Kong since 1975. Thanks to the efforts of UNHCR and the resettlement countries, some 143,000 Vietnamese had been resettled over the years and about 67,000 migrants screened out as non-refugees had been returned to Viet Nam in safety and dignity. The cost to Hong Kong of the Vietnamese refugee and migrant programme had often been ignored or underestimated. Hong Kong had spent the equivalent of over US\$ 1 billion by way of direct expenditure on the programme and, in addition, had advanced another US\$ 150 million to UNHCR for the care and maintenance of the migrants. UNHCR still needed to raise funds in order to reimburse that advance.

55. In addition to that not inconsiderable financial burden, Hong Kong had helped to solve the problem by serving as a place of resettlement. In the late 1970s, it had absorbed some 14,000 displaced people from Indo-China and another 1,700 boat people had been resettled in Hong Kong under various schemes since that period.

56. Although the Comprehensive Plan of Action of June 1989 had formally come to an end in June 1996, the Steering Committee of the International Conference on Indo-Chinese Refugees had agreed that, in the case of Hong Kong, where most of the non-refugees in the region remained, UNHCR would continue to make appropriate arrangements with the aim of completely disposing of the issue as early as possible.

57. At present, there were still some 1,300 Vietnamese refugees, 800 Vietnamese non-refugee migrants and over 1,000 illegal immigrants in Hong Kong. In terms of numbers, that was only about 1.5 per cent of the total number of arrivals. However, the last remaining refugees and migrants had proved to be the most difficult in terms of the search for durable solutions. UNHCR was actively pursuing resettlement opportunities for the remaining 1,300 refugees. It had been suggested in some quarters that they should be allowed to settle permanently in Hong Kong. The suggestion should be seen in the context of legal and illegal immigration pressures on Hong Kong. As a congested city with a small land area, Hong Kong had to maintain strict immigration controls on entry for residence purposes. The immigration quota for mainland Chinese was 150 persons per day. Of the 60,000 mainland Chinese residents who had come to settle in Hong Kong during the previous year, over 58,000 had been spouses and children of permanent Hong Kong residents and most of the remainder had also come to join relatives in Hong Kong. The immigration level per head of population was among the highest in the world. Hong Kong had a strict policy of repatriating illegal immigrants to their places of origin. Immigration controls had to be enforced very strictly, since anything else would be unfair to persons waiting patiently in the long queue for legal immigration.

58. In view of the serious immigration pressures on Hong Kong and its policy of repatriating illegal immigrants, including spouses and children of Hong Kong residents, it would be illogical to allow Vietnamese refugees who did not belong to Hong Kong and had no family ties there to settle permanently in the territory. To do so would create serious problems of double standards and would not be acceptable to the Hong Kong community.

59. The Hong Kong Special Administrative Region made a special appeal to resettlement countries, as part of the final international burden-sharing effort to bring the whole Vietnamese refugee situation and the Comprehensive Plan of Action to a satisfactory conclusion, to give favourable and generous consideration to applications from the last remaining refugees. It hoped that resettlement countries and particularly those endorsing the Comprehensive Plan of Action would play their part in solving the Vietnamese refugee problem by examining the few remaining final cases in a flexible and sympathetic manner. Hong Kong would expect UNHCR to maintain its programme in Hong Kong pending the resettlement of the final refugees.

60. UNHCR's presence continued to be needed and its role in solving the problem was treasured. The refugees included abandoned children and sick and needy persons who could not be left to fend for themselves. Hong Kong had done a great deal in providing first asylum to massive numbers of Vietnamese people. It needed the international community's support for the UNHCR programme in Hong Kong. A solid and tangible indication of support could be given by way of donations or by appropriate earmarking of part of a country's contribution. While recognizing that there were many competing claims to the donor countries' attentions, she stressed that a refugee problem still existed in Hong Kong and that the UNHCR programme still had to continue. The people of Hong Kong had expended a great deal of effort and resources in resolving the tragic saga of Vietnamese refugees in a humane manner and they hoped that the international community, too, would continue to play its part.

61. MR. BRYLLE (Denmark), associating himself with the statement made at the previous meeting by the representative of Luxembourg on behalf of the European Union, said that, in Denmark's view, repatriation was one of three durable solutions to refugee problems and should, if possible, be the first choice. Whatever solution was chosen, however, the obligation of States fully to respect the principle of non-refoulement could never be sufficiently emphasized. Protection was the responsibility of States and States alone. UNHCR was required under its core mandate to assist and support States in their efforts to provide protection to refugees and also to promote and disseminate the principles of non-refoulement and protection. But, as the High Commissioner had said, the failure of individual States to comply with those basic principles should not be laid at the door of UNHCR.

62. In order to maintain the credibility of the institution of asylum, a solution had to be found to the problem of repatriating persons who, after a thorough determination procedure, had been found not to be in need of international protection. Much was being done at the national and multilateral levels to improve the possibility of efficient return for such persons. UNHCR, too, had a role to play, which could range from acting as a catalyst in bringing together the parties concerned to collecting and

disseminating information on the country of origin or to passive monitoring. His delegation suggested that an informal working group of interested countries should be set up for the purpose of holding further discussions on that question.

63. The lack of will to seek political solutions in situations of conflict was the root cause of the dilemmas which UNHCR increasingly had to face. Ideally, the point of departure for any decision taken by UNHCR in a situation where effective protection could not be fully ensured should be the need to safeguard protection in accordance with the core mandate. In reality, however, the choice was never so clear-cut. His delegation fully acknowledged the difficulty of the situation UNHCR faced in the Democratic Republic of the Congo. It respected UNHCR's decision to suspend its activities in that country and expected the Democratic Republic of the Congo to change its course of action and live up to its commitments and responsibilities.

64. In order to identify the right response to a situation involving a potential risk of refugees being put under pressure or duress, it was necessary to inquire into the asylum country's motives. In some instances, armed elements and war criminals were intermingled with genuine refugees, creating the impression that the group as a whole did not qualify for protection. Separating such elements from the genuine refugees was part of the solution. The responsibility basically lay with host countries, but the task was not easy and the international community needed to discuss the issue with host countries in order to help them deal with situations of that kind. More generally, special attention should be given to countries hosting large numbers of refugees and providing protection and treatment in accordance with internationally accepted standards and additional ways and means should be found to ease their burden. Burden-sharing could comprise assistance for capacity-building as well as assistance to alleviate the social, economic and environmental impacts of hosting large numbers of refugees. As a last resort, it could include the provision of temporary protection elsewhere. His delegation urged that work should be undertaken along those lines, as suggested by UNHCR at the June meeting of the Standing Committee.

65. Repatriation in the aftermath of conflict posed a particular challenge to the parties to the conflict and to the international community. In such a situation, the planning and implementation of repatriation and reintegration programmes required an even more comprehensive and holistic approach, protection aspects being fully incorporated throughout the process. The international community should find improved ways of bridging the gap between short-term assistance in conflict situations and development in the longer term. Cooperation and coordination between humanitarian and development actors at an early stage of planning of repatriation programmes was needed in order to bridge that gap.

66. The Consolidated Appeal Process, which was a first step towards better coordination between the United Nations system, the International Committee of the Red Cross and non-governmental organizations, should be extended to include activities linking relief with development so as to involve

development actors at an early stage and to provide a mechanism for ensuring the sustainability of rehabilitation programmes. UNHCR's efforts to systematize collaboration with development and human rights actors were warmly welcomed. Groups of local and international non-governmental organizations concerned with both relief and development could play an important role in those efforts. The international community should actively support the country of origin in efforts to create conditions conducive to the safe return of refugees. As an example, UNHCR cooperation with OSCE, the United Nations High Commissioner for Human Rights and non-governmental organizations in building legal capacity and in human rights monitoring should be pursued further.

67. In all efforts to deal with return, repatriation and rehabilitation, the need to support reconciliation should be kept constantly in mind. The experiences of the past decade should be systematically analysed. One of the points that such an analysis would reveal would undoubtedly be the importance of the role of women in furthering reconciliation and ensuring sustainable peace and development. That was one of the reasons why his country considered it particularly important that programmes should take sufficient account of the gender perspective.

68. In conclusion, he announced that, in the current year, Denmark would make an extra contribution to UNHCR of DKr 100 million, of which DKr 20 million would be earmarked for the General Programme. That contribution, which was subject to parliamentary approval, would bring Denmark's contribution in 1997 to a total of DKr 269 million.

69. Mr. ULUCEVIK (Turkey) said that, despite the human suffering caused by continuing population displacements such as the second Great Lakes crisis at the end of 1996, the world's refugee population had been steadily decreasing. It was therefore timely for the Executive Committee to discuss the subject of repatriation challenges.

70. Of the possible durable solutions to refugee problems, voluntary repatriation should continue to be the preferred one. In effecting voluntary repatriations, UNHCR played the role of facilitator between the country of origin and receiving country and that of stimulator and guarantor among the refugee population. If voluntary repatriation failed, however, third country resettlement should be kept as a viable alternative.

71. The institution of asylum should continue to be respected and protected at every stage. It was true that, in recent years, the repatriation of refugees and asylum-seekers had increasingly taken place in volatile or unstable environments following or even during conflicts. Regardless of the circumstances surrounding return, however, free will should continue to be a prerequisite for any repatriation process and the principle of non-refoulement must be meticulously observed.

72. The right to seek asylum was a sacred right, but, like any category of human rights, it should also be protected from abuses that could impair the general welfare of host societies or destroy other rights and freedoms. First, there was a need to distinguish between asylum of a humanitarian nature

and asylum for economic, social or criminal reasons. Secondly, a clear code of conduct must be developed for situations where the peaceful nature of asylum was not respected. Examples of such cases were non-compliance with the national laws of the host State, destructive political activities against the country of origin, militarization of refugee camps and engagement in armed activities against the local population or neighbouring countries.

73. His Government believed that the cessation and exclusion clauses of the 1951 Convention and 1967 Protocol should be reinterpreted to meet the requirements that had emerged with the change in the nature of refugee flows. An asylum-seeker who ignored his responsibility towards the host State should lose recognition as a subject of international protection. If a refugee camp lost its civilian and humanitarian nature as a result of infiltration of armed elements, UNHCR must immediately ask for help from the host State authorities to eliminate such elements and bring them to justice. If the host Government was incapable of doing so, UNHCR must bring its mandate over such a camp to an end. In addition, people who had been involved in acts of terrorism should not by any means receive international protection. Those were but a few examples of situations where asylum must be lifted and repatriation made an indispensable option.

74. Temporary protection was an intermediate means of protection appropriate only in situations of crisis such as the one in the former Yugoslavia. As for the return of persons not in need of international protection, UNHCR's involvement must be consistent with its humanitarian nature: it had a role to play in the return of those who had committed a crime against peace, a crime against humanity, a war crime or a crime of terror, yet it should not be involved in the return of rejected asylum-seekers, most of whom were economic refugees or criminals. The argument that the continued presence of such people might have negative consequences for asylum was not valid. Every country had a shared responsibility in safeguarding the institution of asylum on strictly humanitarian grounds.

75. His country was faithful to its commitments under the 1951 Convention and, despite its geographical limitation, was cooperating extensively with UNHCR in admitting asylum-seekers from its eastern borders.

76. Mr. MBAYA (Democratic Republic of the Congo) said that the 17 May 1997 victory of the Alliance des forces démocratiques pour la libération du Congo over the Mobutu dictatorship had been a moment of historical importance for his country, ending 37 years of exploitation by foreign Powers and destruction and pillage by its own people. The Democratic Republic of the Congo was now firmly engaged in a process of national reconstruction and development, aiming to become a truly independent and sovereign country open to cooperation with foreign countries on an equal footing. That process required a change of mentality and methods with a view to building, in the heart of Africa, a modern and prosperous nation serving peace within its borders and stability and development in the subregion.

77. Known for its tradition as a country of asylum for refugees from all places, his country had until recently been among the countries sheltering the most refugees: nearly 1.5 million at the end of 1996, most of them from Rwanda. The massive influx of Rwandan refugees had been ordered by France in July 1994, through the United Nations "Operation Turquoise", which the Rwandan Armed Forces and militias had used to bring weapons, munitions and other Rwandan property into the Democratic Republic of the Congo using the civilian population as hostages and human shields. France and the other architects of the Rwandan genocide had been using that strategy to prepare a large-scale counter-attack from Zairian territory in order to destabilize the new Rwandan Government, which it considered to be short-lived and unpopular. That had begun a critical and disastrous period for the innocent Rwandan refugees, who had been forced to leave their country by the perpetrators of the genocide, supported by France. His compatriots in Kivu had not been spared.
78. Those starving population groups, lacking any humanitarian assistance, had immediately been struck by severe cholera. The humanitarian agencies had failed to come to the rescue in time and nearly 45,000 people had died in a two-week period. The international community, manipulated by France, the mastermind behind the disaster, was trying to make his country shoulder the blame for the Rwandan tragedy in its territory.
79. The hesitations, laxity and even complicity of the international community and the former Zairian regime had hardly been conducive to the removal and demilitarization of the numerous armed groups, which had continued to train in the camps in the presence of the international community and with the knowledge of the Zairian Government. Military action by the Alliance des forces démocratiques pour la libération du Congo had been necessary to liberate not only the Congolese people from the dictatorship, but also the masses of innocent Rwandans used as hostages by their genocidal brothers.
80. Since the first quarter of 1997, nearly all the refugees from the huge camps in Northern Kivu and Southern Kivu had returned to their country of origin. The UNHCR budget had been reduced accordingly, despite his country's rehabilitation and reconstruction needs.
81. His Government had quite recently learned of the presence, in the equatorial forest in Equateur province, of nearly 1,000 heavily armed former FAR combatants who were holding a large number of civilian refugees hostage and presumably preparing to confront the Congolese army. Their goal was to sow death and destruction among the innocent civilian population and others had even crossed their own national borders to join them.
82. More disturbing was the fact that certain United Nations bodies, in particular UNHCR, were aware of the situation in Equateur province. That explained the haste of the famous International Commission of Inquiry into the so-called massacres of Hutu refugees to begin its mission in Mbandaka, that province's county seat. Had the Commission preferred to deal with the enemies of the Congolese people hiding in the equatorial forest rather than strictly observe its commitments under the agreement signed with the Congolese Government? If so, the hesitations and laxity of the international community were not surprising.

83. While the United Nations remained deeply attached to its guiding principles in the eastern part of the Democratic Republic of the Congo, assistance activities to the people had been suspended by order of UNHCR. Dozens of refugees had recently died in the region and others were hospitalized at his country's expense.

84. The Congolese authorities had therefore seen fit temporarily to close the country's borders with Rwanda. That was also the basic reason for the temporary suspension of UNHCR activities in the eastern provinces of the country. Indeed, his country had learned that UNHCR representatives had compromised themselves through involvement in political activities in his country and the Great Lakes region, with complete disregard for their honourable status. It might well be asked how UNHCR presence could still have been justified in the provinces of Northern Kivu and Southern Kivu when there were no more refugees there. The truth was that, for strategic and/or survival reasons, UNHCR agents were facilitating the entry of Rwandan refugees into Congolese territory. His country had recently helped repatriate 4,000 of them, among whom it had identified former FAR members.

85. Now that his Government had undertaken to repatriate those refugees, efforts should focus on fully neutralizing those in the national territory or neighbouring countries who were trying to jeopardize any chance of reconstruction and pacification in any of those countries. The repatriation challenges raised by those outlaws and others in their pay should therefore consist of large-scale military operations aimed at eliminating tensions in the Democratic Republic of the Congo and neighbouring countries. That would require active participation by the international community as a whole and especially the donor countries. It was also necessary to intensify the work of the International Tribunal on Rwanda and obtain the full cooperation of all the Governments concerned.

86. In view of that situation, his delegation invited the Executive Committee to reconsider such hallowed UNHCR concepts as "access to territory", "voluntary nature of repatriation" and "right to asylum", not in order to question them, but to adapt them to the social and political context of countries like his own.

87. In addition to the insecurity created at its borders and beyond by the merchants of death, the Democratic Republic of the Congo had sustained serious environmental deterioration owing to the presence of large numbers of Rwandan refugees in the eastern part of the country, whose wood-cutting and poaching had destroyed the ecosystem in the Virunga district and surrounding area. It had also lost over 400,000 head of cattle killed as a result of the refugees' presence. Those losses were estimated at several billion United States dollars. The disaster had also affected the Congolese population and a mass exodus had resulted in numerous displaced persons and refugees in neighbouring countries.

88. He took the opportunity to request that various noteworthy initiatives, such as the Great Lakes initiative and others taken by UNHCR and UNDP, should be implemented without delay. To that end, he made an urgent appeal for the rapid organization of a round-table of his country's backers, in accordance

with General Assembly resolution 49/24 on special assistance to countries receiving refugees from Rwanda and in conformity with the Bujumbura Plan of Action of 17 February 1995. He called for a personal initiative by the High Commissioner and all donor countries which had commended the arrival of a new Government in his country with a view to national reconstruction and the establishment of cooperation in the Great Lakes region. His country was now faced with another massive influx of refugees from the Republic of Congo. Those unsupervised and unassisted refugees were growing daily in number and raised a serious security problem in his country, and that was why assistance from the international community was needed.

89. Mr. BERNARD (France), speaking in exercise of the right of reply, said that, although polemics were not part of the Executive Committee's tradition, extreme statements could not go unanswered. The comments of the representative of the Democratic Republic of the Congo on the role of the international community, UNHCR and France entered into that category and were thus unacceptable. As their outrageous nature detracted from the speaker's remarks, his own country preferred to regard them as an expression of personal resentment rather than as the views of the Congolese Government, with which it had always enjoyed relations of peaceful and constructive cooperation.

90. Mr. SELERI (South Africa) said that the theme for the 1997 annual debate was very appropriate. He welcomed the background paper prepared by UNHCR (A/AC.96/887), which emphasized the close relationship between repatriation challenges and human rights.

91. Between 1990 and 1996, South Africa had been faced for the first time with two major repatriation programmes. The first, from 1990 to 1993, had involved the voluntary return to South Africa of its refugees and political exiles and had been facilitated by UNHCR and the South African Government. The second had involved the voluntary return of 1.7 million Mozambican refugees to Mozambique with the signing of the Rome Accord on 4 October 1992. Their repatriation from South Africa had begun with the signing in 1993 of the Tripartite Agreement between the South African Government, the Government of Mozambique and UNHCR. Some 36,000 Mozambican refugees had been repatriated from South Africa with UNHCR assistance, 11,000 had been voluntarily repatriated by the South African Defence Force and several thousand had returned without assistance. Of the original 250,000 Mozambican refugees whom South Africa had hosted since the mid-1980s, approximately 90,000 remained in the country and would be granted permanent status.

92. As the majority of South Africa's refugee population had fled civil war situations in their countries of origin, the decision as to when repatriation should commence in the aftermath of a conflict was always critical. Thus far, South Africa had not insisted on repatriation unless a cessation clause had been invoked in respect of the country concerned. It continued to facilitate repatriation, in UNHCR programmes and for individual refugees who wished to return to their country of origin prior to a cessation clause being invoked in that country.

93. The High Commissioner's statement had touched on several positive developments, particularly in Africa, over the past year. That encouraging

news must nevertheless be weighed against the fact that the number of refugees remained unacceptably high. UNHCR was confronting some of its greatest challenges in Africa, particularly Central Africa. He called on all Governments in that region to recommit themselves to the fundamental principles of international protection. At the same time, international organizations must not be misused to solve problems that properly belonged to States. No discussion on international protection or repatriation could ignore the root causes that gave rise to conflict situations or violations of human rights.

The meeting rose at 1.10 p.m.





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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE FIRST PART* OF THE 519th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 October 1997, at 3 p.m.

Chairman: Mr. SKOGMO (Norway)
later: Mr. RODRIGUEZ CEDEÑO (Venezuela)

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ANNUAL THEME: REPATRIATION CHALLENGES (continued)

* The summary record of the second part of the meeting appears as document A/AC.96/SR.519/Add.1.

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The meeting was called to order at 3.15 p.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)

1. Mr. MORJANE (Tunisia) commended UNHCR on its work in several repatriation operations, believing as he did that voluntary repatriation remained the best of the three solutions to refugee problems. In that connection, the Secretariat's excellent paper on repatriation challenges (A/AC.96/887) was useful for humanitarian workers at all levels, who frequently faced dilemmas that could rarely be resolved through documents alone. His delegation hoped that the discussions in the Executive Committee would confirm the basic principles of protection in the framework of voluntary repatriation, remind the parties concerned of their roles and responsibilities and, finally, provide UNHCR with guidance and encourage it in its work.
2. The repatriation operations of today could not be compared with those of 30 years earlier. As the High Commissioner had stated, repatriation was not a mere logistical operation. Not only did the conditions for return and reintegration have to be thoroughly prepared, but care must be taken to ensure that the causes of the refugees' original departure did not recur and cause them to leave once again. The three essential aspects of such operations were political, legal and operational.
3. At the political level, there was a close link between repatriation operations and the settlement of disputes. There was little chance for success when repatriation was not part of an overall settlement plan. It was in such situations that UNHCR might be tempted to exceed its mandate. Should it be criticized for so doing or should efforts aim rather at identifying the weaknesses in the international system for the settlement of disputes? In that framework, UNHCR should be encouraged to work more closely with regional organizations, in particular OAU, which had an effective dispute settlement mechanism.
4. The legal aspect related mainly to the voluntary or involuntary nature of repatriation. UNHCR should consider two remarks in that connection. First, it would be contradictory to require an indication of the voluntary nature of the repatriation on an individual basis, whereas refugee status had been recognized on a group basis. In addition, just as refugees must not be forced to return home, barring a cessation clause, there must be no opposition to their return when they decided to do so themselves. Refugees were in a better position than anyone else to evaluate the situation in their countries of origin and decide when it was appropriate to return.
5. At the operational level, the strengthening of UNHCR's cooperation with other international organizations and NGOs was to be commended. However, coordination among all those actors must take place upstream, preferably as soon as the refugees arrived, as humanitarian assistance should only be a temporary measure pending repatriation. That would also enable the refugees to make a better contribution to the economy of their country of origin.
6. Mr. MOHAMMED (Nigeria) said that assistance to refugees began with the full implementation of the letter and spirit of the 1951 Convention, the 1967 Protocol and other relevant regional instruments. It was not enough to

pay lip service to those international instruments; they must also be put into practice. Practices that weakened international protection and were not consistent with international humanitarian law, such as border closures, rejections at borders, long detention, refoulement, etc., must therefore be avoided.

7. The theme for the current session, repatriation challenges, was being discussed against the background of the tragedies in the Great Lakes region and in Bosnia and Herzegovina. The civil war in Central Africa had not only created new challenges, but had also imposed additional burdens on host countries, the international community and UNHCR. The harrowing events in the Great Lakes region had shown that repatriation was multi-dimensional and went beyond sending refugees back to their country of origin.

8. UNHCR's part in repatriation was significant, but it was not the most crucial. The determinant of successful repatriation was the resolution of the underlying political conflicts that had produced the refugee movements. Regional organizations and the international community could assist host States to create the conditions that would encourage refugees to return to their country of origin, in particular by providing them with education, capital and food to enable them to survive in the short term. As the UNHCR mandate did not cover all the preconditions required for repatriation, other United Nations agencies as well as Member States should help to create an environment conducive to successful repatriation and integration.

9. Recognizing that without an enduring political solution repatriation could not last, the countries of West Africa had invested considerable human and material resources in ensuring that peace returned to Liberia. The result had been a successful election and the voluntary return of many Liberian refugees to join in national reconciliation and rebuilding. UNHCR should be given the necessary funds to enable the 500,000 refugees remaining outside Liberia to return to their country.

10. He hoped that the international community would also assist the Economic Community of West African States (ECOWAS) speedily to resolve the crisis that was producing refugees in Sierra Leone. Nigeria welcomed the Security Council's recently adopted resolution 1132 (1997), concerning the need to restore peace and legitimate government in Sierra Leone. Nigeria had also assisted refugees in cash and kind, within its limited resources. The Government of the Nigerian Federation had provided Rwanda with relief materials in the amount of \$500,000 and \$1.4 million had been set aside for refugees granted asylum in Nigeria. In the belief that the root causes of refugee movements must be addressed, the Nigerian First Lady had initiated an African First Ladies Summit on Peace and Humanitarian Issues in May 1997, as a result of which Liberia and Burundi had been given humanitarian aid.

11. His delegation urged each Member State to assist UNHCR not only financially, but also with institutional support. Every country should establish a legal framework to create a conducive environment for UNHCR operations and provide security to UNHCR staff, who were increasingly being attacked in the line of duty.

12. Mrs. BAUTISTA (Philippines) said that the annual theme for 1997, repatriation challenges, was appropriate and timely. The widely accepted principle of voluntary repatriation was being seriously challenged by actions and circumstances which not only were violations of human rights but also endangered the lives of refugees. She was referring to forcible movements of refugees in violation of the principle of non-refoulement and their return to places which were ill-prepared to receive them because of the prevailing volatile conditions.
13. Another formidable challenge was that of linking the repatriation of refugees with sustainable reintegration processes, to move from relief to development, which required close cooperation among the countries concerned, UNHCR, multilateral partners and NGOs. There were no quick and easy solutions to those problems and UNHCR could not be left alone to solve them. The Member States had a role to play, in particular by respecting the 1951 Convention, the 1967 Protocol and other human rights principles relative to refugee protection.
14. In the Philippines, steps were being taken to implement the guidelines for the issuance of alien refugee employment permits to qualified Indo-Chinese refugees under Department of Labour Order No. 25 dated 10 September 1996. With regard to the Vietnamese refugees who had refused repatriation, an NGO was helping the Government assist them pending resolution of their cases. The Philippines recognized the importance of effective and efficient coordination of the different humanitarian agencies in the field under the United Nations reform process. Along that line, it welcomed the Memoranda of Agreement between UNHCR and other United Nations bodies, in order better to address various important issues such as international protection of refugees and other displaced persons.
15. Her delegation drew attention to the significant role of the many NGOs in refugee protection, especially in south-east Asia, the CIS and the Great Lakes region. It paid a tribute to UNHCR, under the very able leadership of Mrs. Ogata, in protecting refugees throughout the world and, recognizing the danger in which UNHCR representatives worked, appealed for all possible steps to be taken to ensure their safety and prosecute any crimes against them.
16. Mr. CHOWDHURY (Bangladesh) noted that, in late 1991 and early 1992, nearly 250,000 refugees from Myanmar had arrived in Bangladesh. Over the following six years, voluntary repatriation of those refugees had been conducted with the involvement of UNHCR. During that period, notwithstanding the fact that it had not yet been a party to the 1951 Convention or the 1967 Protocol, Bangladesh had fulfilled its obligation to protect refugees and observed the principle of non-refoulement. There remained only 21,000 refugees in Bangladesh, 7,500 of whom had been cleared by their Government for voluntary repatriation. Bangladesh hoped that a solution for the remaining refugees would be worked out through bilateral consultations with Myanmar and with UNHCR involvement.
17. The increasing trend towards restrictive asylum policies illustrated the challenges to the institution of protection, so central to the High Commissioner's mandate. For that reason his delegation would have

preferred deliberations on "protection challenges" before taking up "repatriation challenges". In coming years, the secretariat should provide the Standing Committee with more than one option for the annual theme, to enable it to adopt an informed decision.

18. Repatriation challenges involved a range of substantive questions. Besides logistical problems such as the transportation of refugees from the host country to the country of origin, there was the question of ensuring refugees' safety, protection and reintegration. In that connection, it was important to ensure that "conflict entrepreneurs" did not misguide refugees through disinformation or create pockets of anarchy and hinder the repatriation process. Next, refugees must be educated, for example, through innovative solutions such as the non-formal models of education developed in Bangladesh by an NGO, BRAC. Since women and children tended to be more vulnerable, projects aiming at helping women carry out income-generating activities were an important element in any sustainable repatriation process. His delegation suggested taking a cue from the micro-credit system pioneered by Grameen Bank.

19. The core challenge in the context of repatriation related to the situation of the country of origin, specifically development, human rights and governance issues. There was obviously a need to address the root causes of refugee problems by finding solutions to civil conflicts and fostering the development of a culture of tolerance towards minorities and other vulnerable groups. The fact that such issues were interconnected made it necessary to build appropriate system-wide synergies at the field level. In that connection, he welcomed the statement by the High Commissioner for Human Rights, Mrs. Robinson, establishing a link between refugee problems and human rights.

20. Protection depended on the readiness of States to respect the principle of non-refoulement and on the question of international burden-sharing. However, although asylum was governed by a non-derogable principle of non-refoulement, no binding principle existed for burden-sharing. The refugee agenda had unfortunately been "donor-driven" and all refugee situation reports quantified donor contributions. What was left out was the core contribution of the asylum-giving States; the time had come to fill that gap. In that connection, he mentioned the need further to review the Executive Committee's work and working methods. In the composition of the Bureau, for instance, the regional grouping recognized by the United Nations might be adopted and a rotation established on that basis instead of the nebulous donor-non-donor rotation. There was also a need to explore the issue of the economic and social impact of large refugee caseloads on host developing countries and, if appropriate, to determine what implications that might have for the Executive Committee's work and working methods.

21. Mr. BARABANOV (Russian Federation) commended UNHCR on its efforts to resolve the practical aspects of forced migration. UNHCR was helping to elaborate relevant doctrine and introducing repatriation principles in finding long-term solutions. His delegation had supported the choice of repatriation challenges, a theme with both universal and regional resonance, as the special theme for the Executive Committee's current session.

22. The Russian Federation shared the international community's concern for the hundreds of thousands of people forced to leave their countries following armed conflicts. Despite serious economic difficulties, it had always done its utmost to fulfil its international obligations towards forced migrants. To that end, it had updated its Federal Migration Programme and taken concrete steps to implement the Programme of Action of the 1996 Geneva Conference; and it was perfecting its migration laws or enacting new ones.

23. At the same time, most people from the Asian and African States did not regard Russia as their country of asylum, but as a country of transit towards Western Europe. Unable to travel to Europe, they ended up in Russia illegally and turned to international organizations for assistance. Most of those who applied for refugee status did not meet the legal conditions for being granted asylum. As temporary asylum could not be granted indefinitely, Russia was interested in international assistance to repatriate large groups of "transit refugees", whose applications for asylum would probably be rejected in Western countries. That having been said, the international community should focus attention on the situation of those groups for humanitarian reasons and the measures taken on their behalf should be balanced and give consideration to the interests of the States concerned. The international community should also analyse the security conditions of the receiving countries more objectively and thoroughly.

24. Repatriation could be considered in its traditional aspect, as dealt with by the 1951 Convention, and in a broader sense of repatriation to the homeland, to the country of citizenship or to the country of permanent residence. Unfortunately, when developing international strategies for voluntary return to countries of the former USSR, due consideration was not always given to the fact that such movements could not be considered repatriations in the traditional sense. The flows did not take place on an ethnic basis and they were not aimed at the place of birth or permanent residence: they reflected a voluntary choice of citizenship after the collapse of the USSR.

25. Since 1991, the year the Federal Law on Citizenship of the Russian Federation had been adopted, 1.5 million people had been granted Russian citizenship and received various allocations under the Law. Such payments had become a heavy burden for Russian federal and local budgets. The albeit imperfect measures undertaken by the CIS countries had prevented the approximately 60 million people living outside their ethnic motherland since the collapse of the Soviet Union from becoming a threat to security and stability for the neighbouring States and the 4.5 million displaced persons had not become refugees under the UNHCR mandate. For its part, Russia sought to guarantee to its entire population, citizens and aliens alike, human rights in accordance with the Declaration of Principles of the Programme of Action adopted by the Geneva Conference. As in the past, and despite the difficulties it was experiencing, Russia would strictly fulfil its obligations under the 1951 Convention and the 1967 Protocol.

26. Another problem concerned the repatriation of Georgian refugees, especially those from South Ossetia, the solution of which lay in a dynamic negotiation process and financing for return activities. Concerning Chechnya,

favourable conditions of repatriation should be established for those who wished to return, but consideration should also be given to those who did not.

27. He commended the UNHCR office in Moscow for the steps it had taken to diversify its interaction with the various Russian departments. Successful international cooperation in executing the Programme of Action depended essentially on raising awareness of the nature and extent of the problem of forced migration in Russia. A visit to the region by donor countries would therefore be welcome.

28. Mr. MOALLEM (Lebanon) said that the situation in Africa, the former USSR and the former Yugoslavia was a tragic illustration of the refugee problem. One of the concerns when dealing with refugee- or exile-producing situations was the problem of burden-sharing. No State could meet such refugee influxes alone. Lebanon, a small country of 3 million inhabitants, was hosting over 500,000 Palestinians who had sought refuge in Lebanon following the various Arab-Israeli wars. It did not wish to grant the Palestinian refugees Lebanese nationality both because that would be contrary to its Constitution, and because the refugees already had Palestinian nationality.

29. He was deeply disturbed at the reduction of the UNRWA budget, as a result of a political decision aimed at permanently resettling the Palestinian refugees in Lebanon. Lebanon's first concern was to see that the Palestinian refugees were able to return home, and it commended UNHCR for its efforts to establish favourable conditions for their repatriation.

30. The Israeli army's occupation of southern Lebanon had driven from their homes thousands of Lebanese whose protection should come within UNHCR's mandate. The definition of the concept of refugee should therefore be expanded to include that category, to which neither UNRWA nor ICRC could guarantee sufficient protection. In that connection, he thanked UNRWA and ICRC for doing as much as they could to solve that problem. He also expressed his gratitude to UNHCR, which had made a symbolic contribution of \$100,000 to his country following the Israeli attack in 1993.

31. Lastly, he stressed the need to upgrade the status of the UNHCR coordination office in Lebanon to that of regional office and requested that Executive Committee decisions and reports should be published in Arabic, which would facilitate the work of the relevant national authorities.

32. Mr. BENJELLOUN-TOUMI (Morocco) said that the progress achieved in a number of key areas of Project Delphi since the last session of the Executive Committee showed that Morocco had been wise to support that initiative since its inception. It was unfortunate, however, that owing to financial difficulties, some budgets had had to be downsized, endangering some repatriation programmes.

33. Morocco, which had provided IFOR and then SFOR with contingents, was following the development of the situation in Bosnia and Herzegovina closely and welcomed the repatriation by UNHCR of 83,000 people over the past year. The situation in the Great Lakes region remained disturbing and Morocco fully supported UNHCR action. The return of the Ethiopian, Liberian, Malian and Togolese refugees, however, was encouraging for the international community in

general and for UNHCR in particular. In that connection, the selection of "repatriation challenges" as the annual theme met Morocco's concerns. The document entitled "Repatriation challenges" (A/AC.96/887), introducing the Committee's annual theme, raised pertinent questions that called for detailed answers. He was referring to the various legal instruments governing repatriation. The technical aspect of repatriation required dialogue and transparency.

34. Concerning the Sahara, the progress and results achieved were sufficient for implementing the United Nations settlement plan and opening the way for the repatriation of the people in the camps at Tindouf, Algeria. He hoped that UNHCR would implement the principles underlying its mandate in the process, particularly those relating to repatriation. He noted that the Kingdom of Morocco met the return conditions set by UNHCR in that it was able to ensure the returnees' security and dignity. In calling for their return, the King had carefully explained to the people involved all the constitutional guarantees being offered to them, in addition to the centuries-old traditions of generosity and tolerance for which Morocco was known. Similarly, the Moroccan authorities worked tirelessly, despite limited resources, to reintegrate the returnees, working towards the development of the Sahara in the process.

35. Mr. RODRIGUEZ CEDENO (Venezuela) said that the question of refugees and refugee protection could not be approached as a localized problem: it required the involvement not only of the State of origin and the receiving State, but of the entire international community, including international bodies and agencies and NGOs. The aggravation of internal tensions and the resulting forced migration of civilians in some regions of the world was a matter of concern, although Latin America had been relatively spared by such problems so far.

36. Given the social, economic, political and legal implications of forced displacements, the solution of the problem depended on States' full respect for their obligations and effective action by the competent international agencies. He welcomed the willingness expressed by the members of the Executive Committee and the High Commissioner to work together to promote refugee protection and improve respect for refugees' rights. There was no point in trying to repatriate people if the political, economic and social situation in the country of origin was precarious. The international community, UNHCR and the international bodies involved would therefore need to work together to establish an atmosphere conducive to repatriation. As the representative of India had suggested at the previous meeting, international bodies such as UNCTAD and the International Organization for Migration (IOM) could be asked to participate in such efforts.

37. There was no doubt whatsoever that the burden of international responsibility should be better distributed. The refugee problem had an adverse effect on peace, stability and progress in international society, especially as the receiving countries did not always have the resources or structures needed to cope with such a situation. It was therefore essential for UNHCR to be given sufficient support, both financial - he commended the delegations of Denmark, Norway and the United Kingdom on their statements to the effect that they would increase their financial contribution to the

Programme - and political. Efforts must also aim at ensuring full respect for the international legal standards that governed the protection of international staff.

38. International action should be based on the principle that repatriation must be voluntary. The receiving country, for its part, must abide by some very specific obligations and, especially, must refrain from using its territory to conduct activities conducive to refugee-producing situations. He stressed the need not only to protect refugees, but also to take decisive measures to ensure the overall stability of societies in crisis, which were often the origin of population displacements.

39. Mr. RECICA (Observer for Bosnia and Herzegovina) said that, besides extensive destruction the conflicts in Bosnia and Herzegovina had resulted in significant forcible migration. More than half the population of Bosnia and Herzegovina had been forced to leave its place of origin. The Dayton Agreement, which had stopped the war, provided for the right of refugees and displaced persons to return to their places of origin and the right to repossess property or be compensated for loss of property. Respect for those rights should serve as a basis for all activities by the international community in repatriating refugees and internally displaced persons. The repatriation process had already begun, with the active involvement of UNHCR. Approximately 200,000 refugees had returned to Bosnia and Herzegovina since the signing of the Dayton Agreement and approximately 200,000 internally displaced persons had returned to their homes. The results were encouraging, but the main part of the repatriation process had yet to take place. The results of the "open cities" project launched by UNHCR had been disappointing.

40. In order for repatriation to be sustainable, Bosnia and Herzegovina, its neighbouring countries and the International War Crimes Tribunal at The Hague must cooperate fully. To speed up the repatriation process, it was also necessary to create conditions for the reception and integration of returnees, whence the need for projects aimed at creating jobs, housing and adequate social infrastructure. He commended the initiatives of UNHCR, the European Union and the host countries.

41. Repatriation operations should be organized and phased and should take place in an atmosphere of security. He called on the asylum countries, the relevant institutions of Bosnia and Herzegovina and UNHCR to cooperate closely in defining ways to conduct successful repatriation operations. The international community must encourage refugees who wished to return home to choose their area of origin rather than another area and it should support the "open cities" project.

42. As the demining process undertaken by the international community had not been satisfactory, he again insisted on the urgent implementation of agreed demining projects, particularly in areas where repatriation was expected to be higher than elsewhere and in reconstruction areas.

43. Mrs. NJIE SAIDY (Observer for Gambia) said that the conditions of relative peace and political stability that characterized the Gambian political situation had made the country an attractive destination for many immigrants and displaced persons in the subregion. The Government of Gambia,

true to its obligations to the international community under the Convention relating to the Status of Refugees, had focused its efforts on developing the capability for more effective responses to emergency situations, in cooperation with UNHCR and other international bodies. That collaboration had been formalized through the establishment of a committee responsible for planning and organizing relief assistance and programmes to address the needs of victims of natural and man-made disasters and for dealing with policy issues on refugee matters.

44. Gambia's approach had been to link relief assistance to development activities in such a way as to facilitate refugee self-sustenance. It had also taken steps to see that refugee children were enrolled in schools. Some refugees with diplomas had obtained paid employment, while others, mainly doctors, were engaged in voluntary work in hospitals; some had also been provided with cash grants to undertake income-generating activities. Living conditions in the three refugee camps had been improved; water and sanitation services had been expanded and medication was being made available.

45. If the security situation were to degenerate in Sierra Leone or Senegal, however, Gambia might have to deal with an influx of refugees from those countries. It was therefore necessary to establish a contingency plan to respond appropriately to the demands that would be placed on the limited financial, human and logistical resources at the country's disposal. The situation called for more direct collaboration with UNHCR through the establishment of a liaison office in Banjul. She hoped that UNHCR would help mobilize resources and establish a partnership with donors and relevant international agencies in order to develop the capacity to respond to refugee needs and emergency situations, whether from natural or man-made disasters.

46. Turning to the theme for 1997, she said that voluntary repatriation was now recognized as the preferred solution by all the parties involved. As everyone knew, voluntary repatriation had many advantages, but also entailed high costs. Given that most asylum States were developing countries, voluntary repatriation represented a more economically rational choice than settlement or resettlement. It was also more consistent with the protection and promotion of the human rights of displaced peoples.

47. The challenges of repatriation primarily called for the willingness of the parties concerned to seek sustainable solutions to the refugee problem. Repatriation could not be successful if entry was blocked through border closures, immigration controls, etc. Neither was it possible if the country of origin continued to be in conflict and economically precarious. Repatriation should always be the result of successful negotiations that took the interests of all concerned parties into account. Reintegration of refugees required monitoring the situation in the home country, linking relief assistance to development activities and taking action to avert population displacement before it took place.

48. Prevention, which was the best solution, called for the adoption of strategies in different areas (diplomatic intervention, economic and social development, conflict resolution, capacity-building, etc.). Since those

activities were beyond the scope of UNHCR's mandate, they should be the focus of concerted efforts by Governments and international organizations in the affected areas.

49. In the event that preventive measures failed, however, efforts should focus on controlling refugee movements and displacements, in particular through rehabilitation programmes to help people stay in their countries. The permanent solution to the refugee problem would continue to elude mankind if the fundamental causes of compulsory migration were not addressed. In her view, those were persistent poverty in developing countries, undemocratic political regimes and legitimized injustice. Gambia had high hopes, however, that the situation would improve gradually in the next millennium as the appropriate measures were taken.

50. Mr. IDI ANGO (Observer for Niger) said that the value system of Niger, both a host and a refugee-producing country, had made it possible fully to cope with the ups and downs of forced migrations. Niger had received 6,000 Chadian refugees since December 1990 and 20,000 Malian refugees since 1994 and had provided them with conditions of asylum respectful of their lifestyle and African cultural values. Most of those refugees had become integrated into village and rural communities in Niger. Niger had recently enacted a law on refugee status and would soon be establishing a national commission on eligibility for refugee status. The Malian and Chadian refugees in Niger would be repatriated in the framework of tripartite agreements concluded by the Governments concerned with UNHCR. Those operations would be based on the voluntary nature of the repatriation and on strict respect for security and human dignity.

51. The cycle of violence that had followed the armed rebellion in the northern part of Niger in the early 1990s had forced some 12,500 inhabitants of Niger to go into exile in Algeria and Burkina Faso. The signing of the Peace Agreement on 24 April 1995 between the Government and the Organisation de la Résistance Armée and the Government's reconciliation policy had restored trust and established the conditions necessary for the voluntary return of the Niger refugees. Some results of that policy had been the adoption of an amnesty act, the beginning of the reintegration of the former combatants into the country's administrative and socio-economic bodies, the implementation, with assistance from friendly countries and institutions, of an emergency rehabilitation programme for the rural area of the country, which had sustained the combined effects of drought and insecurity, and the signing of a protocol disarmament agreement by the Government and former fronts of armed rebellion.

52. Thus 400 Niger refugees in Burkina Faso had been voluntarily repatriated, under conditions of respect for their human dignity, as part of the tripartite agreement between Niger, Burkina Faso and UNHCR. In the same spirit, Niger was currently preparing for the repatriation of nearly 4,000 Niger refugees in Algeria. Niger reaffirmed its willingness to respect the obligations it had accepted under the international agreements and conventions it had signed. It would also ensure optimum conditions in the 15 main sites chosen by the refugees for their return. Niger would like to take the opportunity to thank the Governments of Algeria and Burkina Faso for their outstanding work in providing the refugees from Niger with decent

conditions of asylum. It also wished to thank UNHCR for the assistance and protection it was giving and would continue to give the refugees from Niger.

53. Although a relatively small number of people were involved, the Niger repatriation programme was complex and sensitive, owing to the sociocultural diversity of the people concerned and the geo-climatic context, which led to intercommunal conflicts in the cohabitation zones. Points of contention generally involved the lack of water sources and the deterioration of the environment and socio-economic infrastructures in those areas. Provision of services for the sites of return and the implementation of a reintegration programme for the returnees were therefore not only the prerequisites for a successful repatriation operation, but the only way of ensuring that the resettlement would be durable. Major factors in the success of the operation would be the determination of the people and Government of Niger to achieve peace and security and a real desire on the part of the Niger refugees to return home. He hoped that Niger would be given commensurate support from the international community when the repatriation and reintegration programme began.

54. Mr. Rodriguez Cedeño (Venezuela) took the Chair.

55. Mr. SALMAN (Observer for Iraq) said that contemporary refugee movements arose no longer from wars alone, but also from internal conflicts and the economic difficulties with which States were faced. Because of the scale of contemporary refugee movements, cooperation was needed from the international community to ensure that burdens were shared equally. New problems had recently arisen which were liable to hinder both the international protection that refugees should be given and the humanitarian work of UNHCR. One example was the exploitation of the refugees' situation by certain terrorist groups. Such groups sought to use the receiving countries for conducting political and military activities against the country of origin, often with the support of foreign Powers which hoped thereby to achieve their own political ends. Refugees themselves were occasionally recruited for terrorist actions against their own country.

56. The setting-up of refugee camps near sensitive international borders - in violation of international law - tended to discourage the international community's efforts to find solutions. The insufficiency of the assistance granted and the fact that many countries failed to fulfil their responsibilities in the area of protection were other disturbing factors. Coordination between receiving countries and countries of origin must be strengthened if the conditions needed for voluntary repatriation were to be created. Interference by foreign Powers should be fought, as it hindered the search for durable solutions and could even undermine countries' sovereignty.

57. There was no doubt that voluntary repatriation was the most appropriate solution for a large number of refugees. Iraq had supported UNHCR's initiative of undertaking regional negotiations in the Middle East and sending a special adviser to study the problem of the return of displaced persons between Iraq and Iran. To help facilitate voluntary repatriation operations, Iraq proposed that the international community should provide immediate assistance to regions which were experiencing severe economic difficulties or had sustained extensive environmental damage, in order to prevent migrations,

and that the country of origin should take the necessary financial or other steps to facilitate such operations. Iraq hoped that UNHCR would continue its efforts to find durable solutions to the refugee problem and reaffirmed its full support for UNHCR.

58. Mrs. VECIREVIC (Observer for Croatia) said that her country had had to shelter tens of thousands of Bosnian refugees while caring for many of its own displaced citizens, for whom it actively sought durable and dignified return solutions. Croatia was the only country of the former Yugoslavia receiving significant minority returns. That return had been spontaneous in some cases and organized in others. Spontaneous minority returns were encouraging signs that people were confident that they would be able to return home without escort. Organized returns were signs of the will of the Government of Croatia and of UNHCR and the international community to assist all Croatian citizens in finding a durable solution to their displacement problem.

59. An encouraging development was the peaceful integration of the Eastern Slavonia region into the legal, economic and political system of Croatia. Some might say that the process of administrative and technical reintegration had been achieved, but that the reconciliation and reintegration of people had been neglected. That would be a mistaken conclusion. A Government should promote sound principles, but even the most democratic and effective Government could not engineer people's souls. Time was one of the most important factors in every reconciliation process. Administrative and economic reintegration preceded and encouraged reconciliation. It was a clear sign that the Croatian Government had taken action to provide democratic standards of living for all its citizens and felt positive about achieving successful results.

60. For example, the Croatian Government had published a report on the implementation of its Letter of Intent on the peaceful reintegration of the Eastern Slavonia region giving details on document issuance and reintegration in several areas (health, education, justice, the economy, social security), which provided strong incentives for people to reintegrate. The Parliament had adopted a law validating previously unlawful documents issued in the occupied territories and the Government had adopted the Programme on the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-Affected Regions. Based on the Constitution, the Croatian President had decided to establish a multi-ethnic national committee for the realization of that Programme, assigning it specific tasks in monitoring the achievement of a general atmosphere of tolerance and safety, the establishment of trust among Croatian citizens and the creation of the social, political, security and economic preconditions for the organized return of the displaced. A property exchange agency had been established to enable those who did not wish to return to the areas where they had previously lived to exercise their property rights and sell or exchange their real estate. The media reported on its work, thereby promoting reconciliation.

61. Croatia had already spent more than \$1.7 billion on the reconstruction and revitalization of Eastern Slavonia and other reintegrated territories. Only 2 per cent of the resources invested in return and reconciliation had come from international assistance. Given its very limited resources, the Croatian Government needed more time to eliminate the obstacles to return and

reconciliation. Over 50 per cent of Croatian citizens from the Danube area who had expressed a wish to return to other parts of Croatia had now done so. That meant that there had been 8,000 return solutions. The return to their region of over 80,000 displaced persons was a much longer process and only about 2,000 Croats had returned so far. The main obstacle was the lack of economic opportunities. The returnees must be provided with housing and employment, something which the Croatian Government could not do without international assistance.

62. Croatia also required assistance to provide protection to over 150,000 refugees from Bosnia and Herzegovina who had remained in Croatia. Many of them came from minority areas where return was not possible. Croatia was helping them find durable solutions, agreeing that some of them might remain in the country and helping them integrate. Each solution required resources and Croatia was working closely with the international community to find solutions.

63. Her delegation shared the concern of UNHCR and other international humanitarian organizations about the danger their staff faced in carrying out their noble work. It called on all actors to seek ways to protect them and ensure the success of their missions. Croatia was prepared to accept the return of all its citizens and would like to see an increase in minority returns and reconciliation efforts, as provided for in the Dayton Agreement.

64. Mr. KYDYROV (Observer for Kyrgyzstan) said that, on the basis of the programme of action adopted by the Regional Conference to Address the Problem of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, Kyrgyzstan had prepared a national plan of action. In close cooperation with UNHCR and the International Organization for Migration (IOM), the Kyrgyz Government had strengthened its institutional and legislative infrastructure, prepared programmes for reintegrating the refugees into local communities and established a regional centre for regulating migratory processes.

65. Given the continued military, political and economic instability in the neighbouring countries, refugee problems in the Central Asian region and Kyrgyzstan itself remained serious. There was a constant flow of refugees into the country, principally from Tajikistan and Afghanistan. The problem was a real threat to national security, especially as illegal immigration was aggravated by the permeable borders between the States of the CIS, on the one hand, and the lack of an appropriate immigration control system, on the other.

66. The general immigration situation in the country was further complicated by the increase in the illicit drug traffic and organized crime, the spread of contagious diseases and the increase in unemployment. There was also the problem of "ecological" refugees. There was a large-scale environmental disaster in the making in the southern part of the country owing to the deterioration of the many radioactive waste reservoirs (containing 600,000 m³ of waste) as a result of mudflows, landslides and earthquakes. The resulting radioactive pollution of the natural environment would inevitably lead to large migratory movements not only within the country, but throughout the region. Given the inadequate technical skills and financial resources

available in the region, such risks could only be avoided through the preparation and implementation of special programmes by UNHCR and other international organizations.

67. In view of the continuing instability in Central Asia, Kyrgyzstan's policy was to do its best to help achieve a peaceful settlement of the conflicts in Tajikistan and Afghanistan, to establish favourable conditions for the refugees' voluntary return. The international community should provide both countries with additional assistance. He noted with deep satisfaction that the national reconciliation process had finally begun in Tajikistan. On that basis efforts could continue towards the settlement of the question of repatriation of the Tajik refugees, which could take place only through the joint efforts of Kyrgyzstan, UNHCR, IOM and the CSCE Regional Office, with financial and other support from donor countries.

68. Kyrgyzstan had already prepared draft agreements between the Kyrgyz Government and the Tajik Government regulating the refugees' return process and the defence of their rights, as well as a treaty on the repatriation of the Tajik refugees remaining in the Kyrgyz Republic, between the Tajik Government, the Kyrgyz Government and UNHCR. In that context, the establishment, with UNHCR and IOM acting as mediators, of a tripartite commission to prepare and execute a programme for the repatriation of the Tajik refugees from Kyrgyzstan to Tajikistan on the basis of the relevant bilateral and international instruments had become an obvious necessity. According to the available information, most of the Tajik refugees in Kyrgyzstan did not intend to leave Kyrgyzstan in the near future. It was thus a matter of urgency temporarily to integrate the refugees into the local communities and refugee protection and assistance programmes must be implemented to that end.

69. Kyrgyzstan had recently prepared a project on migration policy strategies, which included measures for establishing an appropriate administrative framework, preparing operational provisions, organizing and regulating migrations and setting up mechanisms for creating legal, economic and other conditions for stabilizing migrations. But most of the work remained to be done and the effectiveness of that strategy would depend on support from international organizations and donors.

70. Mr. KABALJA (Observer for Rwanda) said that no tension existed between the Rwandan Government and UNHCR notwithstanding certain remarks he had heard in the Executive Committee. On the contrary, they had a close relationship and UNHCR was more involved in the reconstruction of Rwanda than all the other agencies put together. Because of the diversity and extent of UNHCR's work, some of those agencies and even some donors felt that it was exceeding its mandate. His delegation believed that UNHCR's activities were justified because they contributed to the stabilization of society. The tension in question was probably imaginary and had probably originated in Geneva, at headquarters. UNHCR field staff in Rwanda seemed very happy and very busy.

71. The Government of Rwanda was grateful to the High Commissioner and donor organizations for their crucial support during the last 12 months, when Rwanda had had to receive more than 1.5 million persons from refugee camps. The crisis could not have ended in any other way, for no solution had been found

to the terrorist situation in the camps, where millions of Rwandans had been held hostage. It had become inevitable to break up the refugee camps or Rwanda would have faced a worse disaster. The international community had seemed in no hurry to resolve the crisis in which it had been intimately involved since the 1994 genocide. The fact that the United Nations had supported militarized pseudo-refugee camps had been a gross violation of international law. The consequences of that grave mistake were now being blamed on Rwanda and the Democratic Republic of the Congo, which were being used as scapegoats.

72. The tasks of reconstruction and refugee reintegration still posed enormous challenges to the Rwandan Government, which had meagre resources. The country also had to combat insecurity in some parts of the western region as a consequence of the very large numbers which had been indiscriminately received from camps and which had included the same forces that had carried out the 1994 genocide and had been holding innocent Rwandans hostage for over two years.

73. The return from the Congo of over 900,000 refugees and about 500,000 refugees from western Tanzania marked the end of a major refugee crisis not only for Rwanda, but for the region. However, there were still Rwandan refugees outside the country. They included about 20,000 in camps in western Uganda, several thousand scattered throughout the Democratic Republic of the Congo, approximately 10,000 in Congo Brazzaville and several thousand in different countries in the region. Rwanda still wanted them back home without preconditions. It was grateful to the Governments of Tanzania and the Democratic Republic of the Congo, to the Alliance of Democratic Forces for the Liberation of the Congo and to Gabon and Malawi for their efforts in helping the Rwandans in their country to return home. Those Governments had sometimes had to use their limited means to intervene to save hopeless situations.

74. He called on other countries, especially those where substantial numbers of refugees were still found, such as Uganda, to assist in repatriating Rwandan refugees in all ways possible. The reconciliation of Rwandans would be possible only when they were all at home. The Government was aware that there were measures being proposed by some members of the international community to pave the way for groups of Rwandans to remain in exile as refugees. The individuals for whom such assistance was being sought were criminal elements and extremists who were still hoping to evade justice. The OAU Convention was being used to justify prolonged asylum for such elements, but the Government of Rwanda believed that the time for perpetuating the Rwandan refugee crisis under whatever pretext was over. The current advocates of asylum for such Rwandans had not yet produced any evidence to show that they were persecuted. That was why the more accommodating 1969 OAU Convention was being used instead of the 1951 Convention or the 1967 Protocol.

75. The Rwandan Government was convinced that it was possible to end the African refugee crisis definitively. Traditionally, Africa had never had refugees, only fugitives. The institutionalization of asylum and the perpetuation of refugee status was a recent phenomenon. If there was a need for international conventions to protect the populations affected by civilian conflicts, they should be appropriate to the circumstances. Persons crossing an African border to avoid localized problems due to criminality or civil

chaos had no need of traditional conventions, which should be used for solving complicated problems. In the case of Africa, there was no solution to refugee problems except repatriation. The preconditions for repatriation set by some of the international agencies were often unrealistic. The longer the exile period, the more difficult the return, whence the need for urgent action. It was necessary to develop mechanisms and modalities to help displaced persons rather than revert to conventions whose application was based on principles rather than realities. The international community must not be hostage to conventions if they were no longer effective.

76. If any country chose to give asylum to Rwandan citizens, Rwanda requested that they should be treated as any other aliens. That was especially important in the region, because refugee status had been abused by refugees themselves. It was also obvious that creating refugee camps and abandoning them to adventurous NGOs and agencies from far away, which were not sensitive to the political or socio-economic situation of the region, had proved very dangerous and costly. In any event, if the United Nations had lived up to its promise of never permitting another genocide or if it had acted in accordance with the 1951 Convention with regard to the refugee camps in eastern Congo, the refugee crisis would not even be an issue.

The first part of the meeting rose at 6 p.m.



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HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 519th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Tuesday, 14 October 1997, at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

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ANNUAL THEME: REPATRIATION CHALLENGES (continued)

* The summary record of the first part of the meeting appears as document A/AC.96/SR.519.

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ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/882 and 887)

1. Mr. MALUNGO (Observer for Angola) said the organized repatriation of the Angolan refugees, which should have been initiated in June 1997, had not been possible due to delays in the implementation of the Lusaka Protocol; the causes of the exodus of the population, in search of better conditions of security, still persisted. Nearly three years had passed since the signing of the Protocol and the tasks defined for implementation within a specific time-frame had still not been fully carried out. The execution of the Protocol had been characterized by repeated non-adherence on the part of the National Union for the Total Independence of Angola (UNITA), which had deliberately delayed the process.

2. Efforts had been made to clear up the issues pending in the implementation of the Protocol and he welcomed the positive advances made in the past several days with respect to the extension of State administration and the free circulation of people and property throughout the country; other efforts were also continuing towards settling military questions. Those positive developments made it possible to envisage the start of the repatriation process in the very near future.

3. Repatriation was one of his Government's priorities. Even though durable peace in Angola was still not a certainty, the Angolan refugee population in the neighbouring countries had started returning by their own means and in great numbers: between 1995 and August 1997, some 114,000 refugees had returned spontaneously, 40,000 of them in 1997 alone. The programme of repatriation and reintegration of Angolan refugees had been launched in 1995 for a target population of 310,000, with the idea that 83,000 would repatriate in an organized manner, with transport assistance provided by UNHCR from their countries of exile to Angola. Humanitarian and reintegration assistance would be provided to the remaining 227,000, whose return would be spontaneous. While organized repatriation had not begun, spontaneous refugees continued to benefit from individual and community-based assistance.

4. Meanwhile, owing to changes in the political situation in some of the countries of exile, there had been a significant rise in the number of Angolans stating that they wished to return and requesting Government assistance for that purpose. That had raised the number of refugees and exiles expected to return in the coming months to 500,000. At the community level, UNHCR had invested in the rehabilitation of basic infrastructure in the areas with the highest numbers of returnees and, of the 147 rehabilitation or quick impact projects (QIPs) initiated, 81 had been completed, including the rehabilitation of roads, hospitals, health posts, primary schools and improved water and sanitation supply. A demining programme which had got underway in 1996 in the province of Moxico had had to be suspended because of the country's difficult political situation, however.

5. Unwavering international support was critical for the programme's continuation. It was already having a remarkable impact and, in many areas, UNHCR and its non-governmental partners were the only source of assistance for returnees and the rural population. As the process of extending State administration continued apace, the various Ministries had begun assessment missions to formulate plans for the resumption by the Government of its

responsibilities in the various sectors. The Government was especially concerned with the rehabilitation of bridges and roads; the demining of roads and areas of final destination of the returnees; and the construction of schools and training institutions. His Government had pledged \$2 million to UNHCR, half of which would be paid in 1997 and half in 1998.

6. The future stability of Angola would depend on the social reintegration of the returnees, the demobilized soldiers and the internally displaced. The Government was therefore paying particular attention to programmes of assistance for those groups and he called on the international community to continue to support UNHCR in its efforts to assist the repatriation and reintegration of Angolan refugees.

7. Mr. VASQUEZ COLMENARES (Observer for Mexico) said that, in close cooperation with its Guatemalan counterpart and the UNHCR Regional Bureau, his Government had been contributing to the repatriation of Guatemalan refugees. That repatriation comprised two stages: the departure of refugees from Mexico to Guatemala, and the reception of persons arriving in Guatemala from Mexico. Mexico's treatment of the refugees in its territory had been exemplary and was a reflection of its traditional openness to those suffering political persecution. Some 36,000 Guatemalans had repatriated voluntarily between 1986 and 1997, representing more than 70 per cent of the original refugee population. The refugee camps in Chiapas, Campeche and Quintana Roo currently housed about 28,283 persons, 10,000 of whom had been registered in 35 collective repatriation movements.

8. Voluntary repatriation was continuing, both collectively and in small family movements. Collective repatriation had accounted for almost 70 per cent of the total. The refugees had formed an increasing number of their own organizations in order to encourage the negotiations required by each collective repatriation, such as for the purchase of land.

9. After more than 15 years in Mexico, the refugee population had multiplied, with an average annual birth rate exceeding 4.5 per cent. Some 51 per cent of the camps' residents had been born in Mexico and were therefore Guatemalans by jus sanguinis and Mexicans by jus soli. In response, the Government in 1996 had set up a migratory stabilization programme to help those refugees in Campeche and Quintana Roo who had already achieved high levels of economic self-sufficiency and who wished to remain in Mexico indefinitely and be given immigrant status. In addition, refugees with children who had been born in Mexico or whose spouses were Mexican nationals were permitted to acquire Mexican nationality, if they so wished. Those refugees who wished to be repatriated were granted non-immigrant visitor status. In Chiapas, where the conditions for self-sufficiency or integration were more complex, the families concerned had been given the choice of being transferred to Campeche or Quintana Roo in order to take part in the migratory stabilization programme.

10. The refugees in Chiapas had had their documentation papers renewed with the status of non-immigrant, which extended their right to freedom of movement and to work throughout the entire national territory. The delivery of

new documentation papers was complete. Between November 1996 and June 1997, 4,537 documentation papers had been issued to immigrants and 6,929 to non-immigrants. Mexican-born refugee children all possessed birth certificates.

11. Agreements had been signed with the Government of Guatemala in order to expedite the collective repatriation movements, which had been awaiting repatriation for two or three years. A survey was being carried out in 116 refugee camps to identify the choice of each family. The repatriation challenge was to maintain a more sustained pace of land purchase in Guatemala with a view to finalizing the voluntary repatriation process currently under way. The Guatemalan Government had made praiseworthy efforts in that regard, allocating 100 million quetzales to the purchase of land for the refugees still in Mexico. Mexico was in the process of granting special naturalization status to 1,000 refugees.

12. The Guatemalan refugees had responded gracefully to Mexican hospitality, cooperating on reforestation projects, the restoration of archaeological ruins and agricultural production. They enriched Mexico's varied ethnic and artistic mosaic while preserving their own traditional identity.

13. Mr. GANDARA GABORIT (Observer for Guatemala) said the reintegration programmes for Guatemalan refugees were benefiting 35,000 returnees, 250,000 internally displaced persons and 3,000 former combatants of the Unidad Revolucionaria Nacional Guatemalteca (URNG). His Government had been greatly concerned with complying with the Peace Agreements, undertaking projects aimed at improving the living conditions of the Guatemalan people, especially those affected by the internal armed conflict. Those actions had been paralleled by the decision of the Mexican Government to allow the refugees to remain in the country that had offered them asylum for more than 15 years.

14. Through its immigration programme, Mexico was the first nation to have granted naturalization to those Guatemalans requesting it, for which Guatemala would always be grateful. To speed up the agreement on a timetable, the viability of projects emphasizing economic recovery had recently been studied, prior to asking the international community to supplement the resources already being provided by the Guatemalan Government and the beneficiary communities. The Government's efforts aimed at the settlement of disputes included the establishment of a Land Commission, intended to reduce the tensions arising from legal conflicts over land. There was also a Land Fund, which was responsible for acquiring land for Guatemalans whose livelihood would depend on it. Support had also been forthcoming from the Technical Committee of the Resettlement Agreement.

15. Work would intensify over the coming months, particularly following the signing on 17 September 1997 of an agreement between the Government and the representatives of the Guatemalan refugees in Mexico aimed at speeding up the organized, collective repatriation of 28,000 Guatemalans. It had been agreed that the process should be completed on 29 December 1997, with the establishment of the repatriation movements and the completion of the land purchase. A survey would be undertaken to determine the number of refugees wishing to return.

16. UNHCR's contribution to the refugees' reintegration must be acknowledged. Its quick impact programmes (QIPs) had benefited some 35,000 persons in the areas of production, health, education and communications. The value of that work was further enhanced by production projects focusing on the conservation of natural resources.

17. Mr. ZACKHEOS (Observer for Cyprus) said that denial of the right to return to one's home or property bred frustration and resentment and made the solution of a conflict difficult or non-viable and not lasting. His Government took an active interest in that matter for obvious reasons, especially in view of the displacement of one third of its population as a result of the Turkish invasion and the continuing occupation of 37 per cent of its territory, the denial of the right of refugees to return, the implantation of Turkish settlers and the inhuman treatment of the few remaining enclaved people in the occupied areas. The armed group or occupying Power that controlled the area from which refugees were forced to flee should comply with its obligations under the Geneva Conventions not to import its own nationals into that territory.

18. Cyprus's experience with the massive colonization of the occupied areas of Cyprus pursued by the Government of Turkey in a premeditated attempt to change the demographic structure of the island was painful. The victims of that policy were not only the Greek Cypriots and Maronites, but also the Turkish Cypriots themselves, who had been turned into a minority in the occupied territory as a result of their growing emigration. According to Turkish Cypriot sources, the Turkish Cypriot population was around 70,000, while the settlers from mainland Turkey numbered almost 110,000. He had deep sympathy for the suffering of the Turkish Cypriots caused by the bad political and social conditions prevailing in the Turkish-held area and earnestly believed that their problems could be overcome only through reunification of the divided island.

19. His Government had put forward principled positions for the solution of the refugee problem, which it considered one of the most serious aspects of the Cyprus tragedy. Its proposals envisaged the affirmation of the right of the refugees to return to their properties and, in that regard, he recalled the 1996 decision of the European Court of Human Rights, which had confirmed that all refugees remained the legal owners of their properties in the occupied part of Cyprus. That decision clearly proved that the Turkish position, whereby the refugee problem should be solved through the so-called "exchange of properties and compensation", was legally untenable and unacceptable. Apart from creating a dangerous precedent, it would be anachronistic and hinder the construction of enlightened societies.

20. Cyprus also believed in the creation of conditions of trust and cooperation among the two communities and in guaranteeing the safety and security of all the island's inhabitants. To address those concerns, the Government had proposed the demilitarization of the Republic of Cyprus and had advocated the deployment of a multinational force under Security Council auspices. Those ideas, along with Cyprus's accession to the European Union, would undoubtedly provide the framework for a prosperous Cyprus.

21. Mr. SRITHIRATH (Observer for the Lao People's Democratic Republic) said that, as a result of the Comprehensive Action Plan (CPA) for Indochinese

refugees, 112,000 asylum-seekers had been able to obtain permanent refuge. As to the Lao refugees, his Government had always affirmed its humanitarian policy towards those who had left the country: they could return with dignity and in security. In accordance with that policy and within the framework of the CPA, his Government had several years ago reached an agreement with UNHCR and the Thai Government for the voluntary repatriation of Lao refugees in Thailand. Some 54,000 Lao had been resettled in third countries and 27,000 had returned to their country of origin.

22. However, the Lao repatriation had been slated to close down officially with the CPA. With the consent of the Lao and Thai Governments and UNHCR, the United States Government had been authorized to screen that population for resettlement in the United States. Unfortunately, not all had been found eligible and 1,300 Lao refugees were still in the Ban Napho camp in Thailand. It was therefore the responsibility of the Lao and Thai Governments and UNHCR to find a solution for those non-eligible individuals left mercilessly in the camp - mercilessly, because they were the elderly, children, women and especially the sick and the addicted. It had been decided in March 1997 that the process under way by the Thai authorities and UNHCR of reverifying the status of those refugees should be speeded up before the repatriation to Laos was carried out prior to 30 June 1997. As his Government had still not received the report on that reverification, it would be illusory to talk of the start-up day for that process.

23. Laos had just joined the Association of South-East Asian Nations (ASEAN), thereby greatly enhancing the prospects for cooperation, as well as the Government's responsibilities and commitment to socio-economic development. Within that framework, the Government hoped the Lao repatriation programme would be completed as soon as possible after the CPA so that the new returnees could contribute with dignity to national development. That programme was very small compared to other UNHCR programmes, but that did not mean its solution was less complex, owing to the delay in implementing the status examination procedures, the inadequate budget and the indecisiveness of the refugees themselves. It was highly likely that the CPA's objectives would not be completely achieved before the end of 1997. The Government could therefore not give UNHCR any assurance of its commitment to the CPA. To the extent allowed by its capacities, however, it was willing to continue its cooperation with UNHCR in its humanitarian mission and counted on UNHCR to help it resettle the Lao repatriates and facilitate their reintegration into the national community.

24. Mr. NOIRFOLISSE (Belgium), referring to the part of the statement made by Luxembourg on behalf of the European Union which had urged that UNHCR and other international humanitarian organizations should be allowed to continue their important work without hindrance and with full respect for international law, said that Belgium also fully supported UNHCR. Polemical speeches should be avoided in order to contribute to the search for constructive solutions to the refugee problems faced by all.

26. With regard to the scheduled regularization of asylum-seekers, he stressed that progress had been achieved by Belgium in processing asylum cases rapidly and absorbing the backlog. However, the decreases in handling the backlog neither implied nor entailed a similar decrease in the continuing residence of rejected asylum-seekers.

27. Belgium would maintain its humanitarian tradition of examining requests for regularization pragmatically. The questions of those who had long been awaiting the outcome of the asylum proceedings; of those who had already attained a certain degree of integration into Belgian society; and of those claiming exceptional circumstances would all be taken into account by the Government in reaching any conclusive decisions on regularization.

28. The persuasive power of negotiating an agreement on readmission with countries of origin to take back their citizens whose requests for asylum had been rejected was important. Depending on the relationship of the State with the country of origin, certain positive measures of community development projects and financial incentives could be effective. The European Union and its member States could thereby exert real influence, assuming the existence of political will. In 1993, Belgium had proposed strengthening readmission measures by using economic and associative European agreements to exert influence on countries of origin. European countries found themselves in a weak position whenever the country of origin did not want to cooperate in providing identity and travel documents. The Maastricht Treaty reiterated the link between development assistance and cooperation on return and, in that regard, there was room for optimism on the forthcoming negotiations.

29. The non-return of rejected asylum-seekers could constitute a counterproductive "pull" factor for other migrants who could be seduced to mortgage the asylum system as a whole. When States honoured the Convention relating to the Status of Refugees with true respect for the principle of non-refoulement, as long as asylum claims were not rejected, that could also imply that, following a negative determination on refugee status, the same States could reasonably expect UNHCR to provide logistical backing for cooperation with countries of origin or to help with passive monitoring in the country of origin. UNHCR assistance through negotiations with certain States for obtaining the return of their rejected asylum-seekers in safety and dignity to their countries of origin was consistent with its mandate. However, it was not advisable to change the text of the Convention relating to the Status of Refugees or the UNHCR Statute; rather, UNHCR should be flexible with its liberal and proactive interpretation of the terms "protection" and "assistance". The International Organization for Migration (IOM) should also be asked to become more operational in its role as an implementing partner.

30. He announced that his Government had decided to consider giving a favourable reply to the High Commissioner's appeal concerning requests for the resettlement in Belgium of a certain quota of Vietnamese from Hong Kong.

31. Mr. ULUCEVIK (Turkey), speaking in exercise of the right of reply, said that the representative of Cyprus had abused the humanitarian platform of the

tragic consequences, on a par with the problems in the Great Lakes region or Afghanistan. Such allegations were an insult to intelligence and showed reckless disrespect for the tens of millions of refugees worldwide. The statement contained truths and contradictions. It was true that the Turkish Cypriot community were victims, but at the hands of Greek Cypriots. The Turkish Cypriot minority was indeed suffering, but as a result of the embargo imposed by the Greek Cypriot administration; it was the Greek Cypriot strategy to block international assistance to the Turkish Cypriots.

32. As to the statement that the exchange of property was untenable, it was the Greek Cypriot Government that had accepted such an exchange as one of several ideas initiated by the Secretary-General. The safety of all inhabitants had been the reason for Turkey's intervention in Cyprus. While the southern part of Cyprus boasted of its economic achievements, the Greek Cypriot economy had achieved such a tremendous growth rate only as a result of the full financial support of the international community - which it had been enjoying since 1974, on the grounds that there were refugees and displaced persons in need of financial assistance. The political dilemma in Cyprus could be solved only as part of an overall solution.

33. Mr. ZACKHEOS (Observer for Cyprus), speaking in exercise of the right of reply, said he was proud to represent the legitimate Government of Cyprus, which was accepted internationally as such. Turkey's actions had been condemned by United Nations resolutions, the Non-Aligned Movement and Commonwealth declarations, resolutions of the Commission on Human Rights, the European Commission and the European Court of Human Rights. The Turks had a selective memory, overemphasizing incidents that affected the Turkish Cypriots while forgetting the plight they had brought about in their race against the Greek Cypriot population. He had not meant to imply that the Cypriot refugees were suffering the same fate as other more tragic refugee situations. The conditions of the Greek Cypriot refugees had improved as a result of their hard work and efficient use of foreign aid. The Turkish Cypriots benefited from international aid and had had more than their fair share of it. The difficulties faced by the Turkish Cypriot communities were not due to any deprivation of foreign aid, but to the integration of their economy into that of Turkey.

34. In reply to Turkey's assertion that voluntary repatriation was the preferred solution to the refugee problem, he said that that belief should be applied also to Cyprus and Turkey should allow the Greek Cypriot refugees to return to their homes and properties.

35. The CHAIRMAN said that, with one exception, all delegations addressing the Committee had praised UNHCR's efforts globally, noting the integrity with which the High Commissioner and her staff had undertaken their activities in difficult and often dangerous circumstances. He stressed that UNHCR'S mandate was humanitarian and non-political in nature. Any attack on the integrity or honour of UNHCR staff was not called for in the Committee and clearly did not represent the views of its members. He reiterated the Committee's fullest